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N. J., F. D. 24701-24800

Issued ———

# United States Department of Agriculture

## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

24701-24800

[Approved by the Acting Secretary of Agriculture, Washington, D. C., March 24, 1936]

**24701. Misbranding of canned peas. U. S. v. 300 Cases, et al., of Canned Peas. Consent decrees of condemnation. Product released under bond to be relabeled.** (F. & D. nos. 29175, 29252, 29311, 29312, 29324, 29332, 29554, 29562, 29563, 29581, 29599, 29622, 29661. Sample nos. 2365-A, 2366-A, 4583-A, 4747-A, 16161-A, 18833-A, 21211-A, 21212-A, 23909-A, 24145-A, 26338-A, 26748-A, 30087-A.)

These cases involved various shipments of canned soaked dry peas which were misbranded because of the design on the label depicting a dish of succulent green peas.

On November 5, 1932, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 300 cases of canned peas at Toledo, Ohio. Between the dates of November 9 and December 21, 1932, libels were filed against 464½ cases of the product at St. Louis, Mo., 170 cases at Denver, Colo., 107 cases at Wichita, Kans., 296 cases at Detroit, Mich., 85 cases at Chicago, Ill., 96 cases at San Antonio, Tex., 148 cases at Newburg, N. Y., and 400 cases at Kingston, N. Y. The libels charged that the article had been shipped in interstate commerce by the Morgan Packing Co., from Austin, Ind.; that the shipments had been made on or about August 28, 1932, and at various times subsequent thereto up to and including December 10, 1932; and that it was misbranded in violation of the Food and Drugs Act. The shipments with one exception were labeled: "May-Field" [or "Indiana Brand" or "Sunny-Field Brand"] Prepared from Dry [or "Soaked"] Peas Edinburg Canning Co. \* \* \* Edinburg Indiana." One shipment was labeled in part: "Woodland Prepared from Dry Peas." The various labels all bore a prominent illustration of a dish of succulent green peas.

Joseph S. Morgan and Ivan C. Morgan, copartners, trading as the Morgan Packing Co., Austin, Ind., appeared as claimant and filed answers to the libels denying that the product was misbranded and praying its release. Amended libels were subsequently filed in all cases.

The product libeled in the Eastern District of Michigan, Northern District of Illinois, and Western District of Texas, was alleged to be misbranded in that the device of a dish of succulent green peas on the label, was false and misleading and deceived and misled the purchaser when applied to a product consisting of canned mature soaked peas. The product libeled in the Eastern District of Missouri, Northern District of Ohio, and District of Colorado, was alleged to be misbranded in that the prominent statement "Peas" and the device of a dish of succulent green peas, were false and misleading and deceived and misled the purchaser when applied to a product consisting of canned, mature, soaked dry peas. The product libeled in the District of Kansas and Southern District of New York, was alleged to be misbranded in that the design of a dish of succu-

lent green peas on the label was false and misleading and deceived and misled the purchaser when applied to canned mature soaked dry peas, and in that the first three words in the phrase "Prepared from Dry Peas" printed directly below the said device, were printed in inconspicuous type; whereas the fourth word "Peas" was printed in large prominent type, and the said phrase or statement was therefore misleading.

On May 24, 27, and 28, June 4, July 15, and August 8, 1935, the claimants having filed amended answers admitting the allegations of the amended libels, and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24702. Adulteration and misbranding of coffee and chicory. U. S. v. Nicholas F. Cassino (Cassino Coffee Co.). Plea of guilty. Fine, \$50. (F. & D. no. 31427. Sample no. 33633-A.)**

This case was based on a shipment of coffee and chicory which contained added undeclared cereal.

On June 15, 1934, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Nicholas F. Cassino, trading as the Cassino Coffee Co., Vicksburg, Miss., alleging shipment by said defendant in violation of the Food and Drugs Act on or about March 23, 1933, from the State of Mississippi into the State of Louisiana of a quantity of coffee and chicory which was adulterated and misbranded. The article was labeled in part: "Big Indian Coffee and Chicory Roasted and Packed By Cassino Coffee Co., Vicksburg, Mississippi."

The article was alleged to be adulterated in that cereal had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and in that cereal had been substituted in part for coffee and chicory, which the article purported to be.

Misbranding was alleged for the reason that the statement "Coffee and Chicory", borne on the packages, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it did not consist wholly of coffee and chicory, but consisted in part of cereal.

On May 21, 1935, the defendant entered a plea of guilty and the court imposed a fine of \$50.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24703. Misbranding of butter. U. S. v. Chester B. McAllister and Ralph N. McAllister (McAllister Bros.). Pleas of guilty. Fines, \$50. (F. & D. no. 32086. Sample nos. 40663-A, 40720-A.)**

This case involved butter which failed to bear on the package a statement showing the quantity of the contents.

On May 7, 1934, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Chester B. McAllister and Ralph N. McAllister, copartners trading as McAllister Bros., Marceline, Mo., alleging shipment by said defendants in violation of the Food and Drugs Act as amended on or about June 19 and July 11, 1933, from the State of Missouri into the State of Illinois of quantities of butter which was misbranded.

The article was alleged to be misbranded in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 27, 1935, the defendants entered pleas of guilty and the court imposed fines totaling \$50.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24704. Adulteration and misbranding of coffee and chicory. U. S. v. Nicholas Cassino (Cassino Coffee Co.). Plea of guilty. Fine, \$50. (F. & D. no. 32147. Sample no. 46291-A.)**

This case was based on a shipment of coffee and chicory which contained added undeclared cereal.

On August 11, 1934, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Nicholas Cassino, trading as the Cassino Coffee Co., Vicksburg, Miss., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about July 6, 1933, from the State



of Mississippi into the State of Louisiana of a quantity of coffee and chicory which was adulterated and misbranded. The article was labeled in part: "Big Indian Coffee and Chicory Roasted and Packed by Cassino Coffee Co. Vicksburg: Mississippi."

The article was alleged to be adulterated in that cereal had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for coffee and chicory, which the article purported to be.

Misbranding was alleged for the reason that the statement, "Coffee and Chicory", borne on the label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it did not consist wholly of coffee and chicory, but did consist in part of added undeclared cereal.

On May 21, 1935, the defendant entered a plea of guilty and the court imposed a fine of \$50.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24705. Misbranding of cottonseed screenings. U. S. v. Southland Cotton Oil Co. Plea of nolo contendere. Fine, \$251.** (F. & D. no. 32174. Sample nos. 19848-A, 63706-A, 63720-A.)

This case was based on shipments of cottonseed screenings that contained less than 43 percent of protein, the amount declared on the label.

On February 27, 1935, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Southland Cotton Oil Co., a corporation, Waxahachie, Tex., alleging shipment by said company in violation of the Food and Drugs Act, on or about August 25, December 13, 1933, and March 15, 1934, from the State of Texas into the State of Kansas of quantities of cottonseed screenings which were misbranded. The article was labeled, variously: (Tags) "Army Brand \* \* \* Guaranteed Analysis Protein, not less than 43.00% \* \* \* Louis Tobian & Co. Dallas, Texas"; "Southland's \* \* \* Prime Quality Guaranteed Analysis Crude Protein, not less than 43% \* \* \* Made \* \* \* By Southland Cotton Oil Company Head Office Paris, Texas"; "Guaranteed Analysis Protein, not less than 43% \* \* \* Manufactured for Kansas City Cake & Meal Co. \* \* \* Kansas City, Mo."

The article was alleged to be misbranded in that the statements, "Guaranteed Analysis Protein, not less than 43.00%, \* \* \* Protein, not less than 43%", borne on the labels, were false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it contained less than 43 percent of protein, samples taken from each of the three shipments having been found to contain 40.88 percent, 39.94 percent, and 40.50 percent of protein, respectively.

On May 7, 1935, a plea of nolo contendere was entered on behalf of the defendant company and the court imposed a fine of \$251.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24706. Misbranding of Grapesugar. U. S. v. Certain Quantities of Grapesugar. Decree of condemnation and destruction.** (F. & D. no. 32418. Sample nos. 55413-A to 55417-A, incl.)

This case involved products sold as ingredients for making various types of wines, which were found to consist of artificially flavored and artificially colored corn sugar with a small proportion of concentrated grape juice. The products were also short weight.

On March 23, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of certain quantities of Grapesugar at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about February 15 and February 19, 1934, by Grapesugar, Ltd., from Burbank, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Grapesugar Burgundy [or "Muscatel", "Port", "Sherry", "Zinfandel", or "Sauterne"] Flavor-Color Red-Dry Type Wine Taste Net Wt., 1 lb. Directions for Wine. \* \* \*"

The article was alleged to be misbranded in that the above-quoted statements on the label were false and misleading and tended to deceive and mislead the purchaser, since the product consisted of artificially flavored and artificially colored corn sugar with a small proportion of concentrated grape

juice, and since it was short weight. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of its contents was not plainly and conspicuously marked on the outside of the package, since the statement was incorrect.

On May 16, 1935, Grapesugar, Ltd., having appeared as claimant but subsequently having withdrawn its appearance and claim, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24707. Misbranding of salad oil. U. S. v. 59 Cans, et al., of Salad Oil. Default decrees of condemnation. Portion of product distributed to charitable institution. Remainder destroyed.** (F. & D. nos. 32575, 32576, 32577, 33615, 34205, 34206, 34207, 35239. Sample nos. 69716-A, 69717-A, 69718-A, 6762-B, 17085-B to 17088-B incl., 21611-B.)

Oil consisting of cottonseed oil or sunflower oil with a small amount of olive oil present in certain lots was labeled to convey the impression that it was olive oil; portions also were short volume.

On April 23, October 4, and October 30, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 264 cans of salad oil at Newark, N. J., and 220 cans of salad oil at Plainfield, N. J. On March 8, 1935, a libel was filed in the District of Connecticut against 17 cartons of salad oil at New Haven, Conn. The libels charged that the article had been shipped in interstate commerce between the dates of March 8, 1934, and February 18, 1935, by the Moosalina Products Corporation (certain shipment made in the name of the H. & W. Food Products Corporation), and that it was misbranded in violation of the Food and Drugs Act as amended.

The article was alleged to be misbranded in that certain statements and designs in the labeling, namely, "Oil Tuscaniny Brand", "Moosalina", "Is composed of Eighty Five Per Cent Of The Finest Domestic Vegetable Oil", with respect to a portion; the statements "Olio Sopraffino", "Oil Superfine", and design of olive branches with respect to a portion; the statement "Oil Marca Lucca Toscana", "Oil Lucca Toscana Brand", the statement in English and Italian "The Contents of Olive Oil in this Can Is Imported From Italy", and the design of olive branches and leaves, with respect to a portion; the statement "Olio Finissimo" with respect to a portion; the statement "Olio Sopraffino", and the design of olive branches and leaves, with respect to a portion; and the statements "Olio Sopraffino per insalata", "Qualita' Extrafina di olio vegetale per frittura e cucinare", "Marca Cobo Specially indicato per salse, frittura, insalata e qualsiasi uso da tavola e cucina", "Extra Fine Vegetable Oil", and the design of olive branches, with respect to a portion, were misleading and tended to deceive and mislead the purchaser, since they created the impression that the article was olive oil, whereas it was not.

A portion of the article was alleged to be further misbranded in that the statement "High Grade Vegetable Oil" on the label was misleading and tended to deceive and mislead the purchaser, since the term includes olive oil; whereas the product was domestic cottonseed oil. Misbranding of the Toscana brand was alleged for the further reason that it was an imitation of another article, olive oil.

Misbranding was alleged with respect to portions of the article for the further reason that it purported to be a foreign product when not so. Misbranding of the lot that was short volume was alleged for the further reason that the statement "One Gallon Net" was false and misleading, and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement was incorrect.

The Moosalina Products Corporation appeared as claimant for the lots libeled at Newark, N. J., but subsequently withdrew its claims. No claimant appeared for the remaining lots. On April 9, 1935, judgments of condemnation were entered in the cases instituted in the District of New Jersey and the court ordered the product destroyed. On April 10, 1935, judgment of condemnation was entered in the case instituted in the District of Connecticut and the court ordered the product delivered to a charitable institution.

W. R. GREGG, *Acting Secretary of Agriculture.*



**24708. Adulteration and misbranding of coffee. U. S. v. Interstate Coffee Co.**  
**Plea of guilty. Fine, \$100. (F. & D. no. 32896. Sample nos. 35383-A, 35385-A.)**

This case was based on an interstate shipment of coffee that contained added chicory and cereal.

On September 26, 1934, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Interstate Coffee Co., a corporation, Natchez, Miss., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 13 and November 22, 1933, from the State of Mississippi into the State of Louisiana of quantities of alleged coffee which was adulterated and misbranded. A portion of the article was labeled: "Special. Rio. A1. Roasted and Packed by Interstate Coffee Co. Natchez, Mississippi." The remainder of the said article was labeled: "I. X. L. Blend \* \* \* Interstate Coffee Co. Natchez, Miss." Both shipments were billed as coffee.

The article was alleged to be adulterated in that undeclared substances, chicory and a large proportion of cereal, had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for coffee, which the article purported to be.

Misbranding was alleged with respect to a portion of the product for the reason that the statements, "Special Rio A1 \* \* \* Roasted And Packed By Interstate Coffee Co., \* \* \* 30-Lbs Net Md.", borne on the drum containing the article, were false and misleading in that the said statements represented that the product in each drum consisted solely of 30 pounds of coffee, that is 30 pounds special, Rio type, first-class coffee, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the article in the said drums did not consist solely of 30 pounds of coffee, but did consist in part of approximately 25 percent of undeclared cereal and some chicory. Misbranding was alleged with respect to both lots for the reason that the article consisted of a mixture of cereal, coffee, and some chicory, and was offered for sale under the distinctive name of another article, namely, coffee, and for the further reason that it was a compound in imitation of another article, namely, coffee, and was not labeled so as to indicate plainly that it was a compound or imitation.

On May 20, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$100.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24709. Adulteration and misbranding of jellies. U. S. v. Cruikshank Bros. Co.**  
**Plea of guilty. Fine, \$100 and costs. (F. & D. no. 33805. Sample nos. 42363-A, 42364-A, 42365-A, 42574-A to 43577-A, incl., 43579-A.)**

This case was based on interstate shipments of jellies that were deficient in fruit juices, and that contained added pectin.

On December 12, 1934, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Cruikshank Bros. Co., a corporation, Pittsburgh, Pa., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 6 and June 20, 1933, from the State of Pennsylvania into the State of Ohio, and on or about September 6, 1933, from the State of Pennsylvania into the State of New Jersey of quantities of jellies which were adulterated and misbranded. The articles were labeled in part: "Cruikshank Cru Bro Currant [or "Cherry", "Blackberry", "Strawberry", or "Raspberry"] Jelly \* \* \* Cruikshank Bros. Co. Pittsburgh, Pa."

The articles were alleged to be adulterated in that an added substance, namely, pectin, had been mixed and packed therewith so as to reduce and lower and injuriously affect their quality and strength, and in that mixed substances, namely, pectin and fruit jellies deficient in fruit juices, and containing more pectin than fruit jellies contain, had been substituted for current jelly, cherry jelly, blackberry jelly, strawberry jelly, and raspberry jelly, which the articles purported to be. Adulteration was alleged for the further reason that pectin and fruit jellies had been mixed in a manner whereby their inferiority was concealed.

Misbranding was alleged for the reason that the statements, "Currant Jelly", "Cherry Jelly", "Blackberry Jelly", "Strawberry Jelly", and "Raspberry Jelly", borne on the jar labels, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since they were not currant, cherry, blackberry, strawberry, and raspberry

jellies, but were jellies deficient in the juices of the said fruits containing more pectin than jellies contain. Misbranding was alleged for the further reason that the articles were sold under the distinctive names of other articles.

On March 27, 1935, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24710. Misbranding of cottonseed screenings. U. S. v. John J. Culbertson, Jr., John S. LeClercq, Jr., and Algernon S. Roberts (Prairie Cotton Oil Co.).** Plea of guilty. Fine, \$300 and costs. (F. & D. no. 33810. Sample nos. 57539-A, 57541-A, 57545-A, 57547-A, 63715-A, 63718-A.)

This case was based on interstate shipments of cottonseed screenings that contained less than 43 percent of protein, the amount declared on the label.

On December 14, 1934, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John J. Culbertson, Jr., John S. LeClercq, Jr., and Algernon S. Roberts, trading as the Prairie Cotton Oil Co., Chickasha, Okla., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about October 28, October 31, November 18, November 20, and November 21, 1933, and March 8, 1934, from the State of Oklahoma into the State of Kansas of quantities of cottonseed screenings which were misbranded. The article was labeled in part: "43 Per Cent Cotton Seed Cake or Meal Prime Quality Prairie Cotton Oil Company (A Business Trust) Chickasha, Oklahoma Guaranteed Analysis Protein, not less than 43 per cent."

The article was alleged to be misbranded in that the statements, "43 Per Cent" and "Guaranteed Analysis Protein, not less than 43 per cent", borne on the tags attached to the sacks containing the article, were false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it contained less than 43 percent of protein.

On May 3, 1935, a plea of guilty was entered and the court imposed a fine of \$300 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24711. Adulteration and misbranding of chocolate-covered candies. U. S. v. Pasquale Margarella (P. Margarella). Plea of guilty. Fine, \$80.** (F. & D. no. 33834. Sample nos. 54411-A, 54412-A, 58136-A, 66228-A, 66230-A, 66233-A, 66234-A, 66235-A, 66248-A, 67733-A.)

This case was based on interstate shipments of alleged chocolate-coated candies which were in fact candies coated with a mixture of chocolate and cocoa shell. One of the products which was sold under the name of "Jelly Frappe" contained an artificially colored and flavored imitation jelly-like center.

On February 28, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Pasquale Margarella, trading as P. Margarella, New York, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act on or about August 31, September 22, and November 6, 1933, and January 4, 1934, from the State of New York into the State of Connecticut; on or about October 2, 1933, and January 13, 1934, from the State of New York into the State of Pennsylvania; on or about January 19, 1934, from the State of New York into the State of Massachusetts; and on or about May 16, 1934, from the State of New York into the State of New Jersey, of quantities of alleged chocolate-coated candies which were adulterated and misbranded. The various items were labeled, respectively: "Choc. Cov. Nutty Caramels"; "Tudor City Peppermints"; "Chocolate Covered Pops"; "Choc. Cov. Twisters"; "Choc. Cov. Jelly Frappe"; "Choc. Cov. Moons"; "Chocolate Covered Turkey Eggs"; "Chocolates"; "Special Foil Assortment." The products in most of the shipments were further labeled, "World's Fair Brand \* \* \* Pure Chocolate Candy \* \* \* P. Margarella New York, N. Y.", together with a design of a boy holding a chocolate-covered bar in his hand.

The articles were alleged to be adulterated in that a substance, excessive shell, had been mixed therewith so as to reduce and lower and injuriously affect its quality, and in that excessive shell had been substituted in part for the articles. The jelly frappe was alleged to be further adulterated in that a product containing artificially colored and flavored imitation jelly had been substituted for a product containing fruit jelly frappe, which the article purported to be.



Misbranding was alleged for the reason that the statements "Choc. Cov." and "Pure Chocolate Covered Candy", "Chocolate Covered Pops", "Chocolates", and "Choc. Cov. Jelly Frappe", "Chocolate M. M. Turkey Eggs" and "Choc-O", together with the design showing a chocolate-covered bar, borne on the labels of the various products, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since the said statements and designs represented that the articles were pure chocolate-covered candies and that the centers of the jelly frappe consisted of fruit jelly frappe; whereas they were not pure chocolate-covered candies, but were covered with a mixture consisting of chocolate and cocoa shell, and the centers of the jelly frappe consisted of an artificially colored and flavored imitation jelly. Misbranding was alleged with respect to most of the products for the further reason that they were offered for sale under the distinctive name of another article, namely, pure chocolate-covered candy. Misbranding of the jelly frappe was alleged for the further reason that it was an imitation of another article, namely, pure chocolate-covered fruit jelly frappe.

On May 15, 1935, the defendant entered a plea of guilty and the court imposed a fine of \$80.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24712. Misbranding of beer. U. S. v. Golden West Brewing Co. Plea of guilty. Fine, \$50. (F. & D. no. 33842. Sample no. 60461-A.)**

This case was based on an interstate shipment of beer which contained 6.25 percent of alcohol, and which was misbranded because the case label bore the representation that the article contained not more than 4 percent of alcohol, and on the bottle the alcohol content was declared in proof spirits in a manner to create the impression that it contained 12½ percent of alcohol.

On October 30, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Golden West Brewing Co., a corporation, Oakland, Calif., alleging shipment by said company in violation of the Food and Drugs Act, on or about February 26, 1934, from the State of California into the State of Oregon of a quantity of beer which was misbranded. The article was labeled in part: (Case) "Golden Glow Beer \* \* \* Does not contain more than 4.0 per centum of alcohol by volume"; (bottle) "Golden Glow Ale over 12½% alcohol american proof spirits \* \* \* Golden West Brewing Co. Los Angeles—Oakland—San Francisco California."

The article was alleged to be misbranded in that the statement, "Does not contain more than 4.0 per centum of alcohol by volume", borne on the case, and the conspicuous isolated statement "12½%", together with the inconspicuous statement "over 12½% Alcohol American Proof Spirits", borne on the bottle label, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, in that the statement on the case represented that the article contained not more than 4 percent of alcohol, and the statements on the bottle represented that the article contained at least 12½ percent of alcohol; whereas it contained more than 4 percent of alcohol and contained less than 12½ percent of alcohol.

On May 17, 1935, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24713. Misbranding of canned peaches. U. S. v. California Packing Corporation. Plea of guilty. Fine, \$40. (F. & D. no. 33851. Sample no. 66727-A.)**

This case was based on shipments of canned peaches which were found to be short weight.

On November 27, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the California Packing Corporation, San Francisco, Calif., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about August 29, 1933, and January 2, 1934, from the State of California into the State of Wyoming of quantities of canned peaches which were misbranded. The article was labeled in part: "Our Family Contents 1 lb. 14 oz. Halves Yellow Cling Peaches Distributed by Nash-Finch Co General Offices Minneapolis, Minn."

The article was alleged to be misbranded in that the statement "1 lb. 14 oz.", borne on the label, was false and misleading, and for the further reason that



it was labeled so as to deceive and mislead the purchaser, since the cans did not each contain 1 pound 14 ounces of the article, but did contain in each of a large number of the cans examined less than so declared. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement was incorrect.

On May 11, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$40.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24714. Adulteration of butter. U. S. v. Swift & Co. Plea of guilty. Fine, \$150 and costs. (F. & D. no. 33899. Sample no. 65164-A.)**

This case was based on an interstate shipment of butter that contained less than 80 percent of milk fat.

On February 13, 1935, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Swift & Co., a corporation, trading at Kansas City, Kans., alleging shipment by said company in violation of the Food and Drugs Act on or about May 11, 1934, from the State of Kansas into the State of Illinois of a quantity of butter which was adulterated.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat, as required by the act of Congress of March 4, 1923, which the article purported to be.

On May 22, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$150 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24715. Misbranding of bread. U. S. v. The Continental Baking Co. Plea of guilty. Fine, \$658.30. (F. & D. no. 33904. Sample nos. 66826-A, 71443-A, 71447-A to 71450-A, incl.)**

This case was based on interstate shipments of bread that was short weight.

On February 18, 1935, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Continental Baking Co., a corporation, trading at Pueblo, Colo., alleging shipment by said company in violation of the Food and Drugs Act as amended, in various consignments on or about May 16, May 22, May 23, and May 24, 1934, from the State of Colorado into the State of New Mexico of quantities of bread which was misbranded. The article was labeled in part: "Wonder-Cut \* \* \* 15 Oz. [or "18 Oz.", "16 Oz. or Over", or "16 Oz.]" Bread \* \* \* Continental Baking Company."

The article was alleged to be misbranded in that the statements "15 Oz.", "18 oz.", "16 Oz. or Over", and "16 Oz.", borne on the labels, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since each of a large number of the packages examined contained less than so declared. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement was incorrect.

On May 2, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$658.30.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24716. Misbrading of canned cherries. U. S. v. Alton Canning Co., Inc. Plea of guilty. Fine, \$50 on each of two counts; fine suspended on one count. (F. & D. no. 33920. Sample nos. 44093-A, 58750-A.)**

This case was based on interstate shipments of two lots of canned cherries. In one instance the product was short weight, and in the other it fell below the standard for canned cherries established by this Department with respect to color, uniformity of size, and sugar content of the liquid portion, and was not labeled to indicate that it was substandard.

On April 8, 1935, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Alton Canning Co., Inc., Alton, N. Y., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about July 26, 1933, from the State of New York into the State of Pennsylvania, and on or about January 2, 1934, from the State of New York into the State of Maryland, of quantities of canned cherries which were mis-

branded. A portion of the article was labeled: "Contents 1 Lb. 4 Ozs. Burns Highest Quality Sour Pitted \* \* \* Red Cherries. Packed by Alton Canning Co., Alton N. Y." The remainder was labeled: "Garden Brand \* \* \* Sour Pitted Cherries \* \* \* Wholesale Distributors John Price & Co. Philadelphia, Pa. [design showing cluster of red cherries]."

The information charged that a portion of the article was misbranded in that the statement, "Contents 1 Lb. 4 Ozs.", borne on the can label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since each of a large number of the cans examined contained less than 1 pound 4 ounces of the article. Misbranding was alleged with respect to the remainder of the article for the reason that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, in that it was not normally colored, i. e., the flesh of the cherries was not, in general, a yellowish-white color, but was a red color, in that the cherries were not uniform in size within the prescribed tolerance, and in that the packing medium was not a sugar solution of sufficient strength, i. e., it read less than 16° Brix, and the package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On May 22, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$50 on each of two counts and suspended sentence as to one count.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24717. Misbranding of salad oil. U. S. v. Joseph Polizzi. Plea of guilty. Fine, \$25.** (F. & D. no. 33926. Sample no. 70433-A.)

This case involved a product consisting of cottonseed oil flavored with a small amount of olive oil, which was labeled to convey the impression that it was olive oil of foreign origin. Sample cans taken from the shipment were found to be short volume.

On February 13, 1935, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Joseph Polizzi, Rochester, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act on or about May 23, 1934, from the State of New York into the State of New Jersey of a quantity of salad oil which was misbranded. The article was labeled in part: "La Feroce Brand \* \* \* Net Contents One Gallon."

The article was alleged to be misbranded in that the statement in a foreign language "La Feroce" in large, prominent type, and the statement "Pure Olive Oil" also in large, prominent type, displayed in such manner as to be read separately, together with pictorial designs of a foreign scene showing a huge lion and foreign-appearing plants and trees and designs of branches resembling olive branches, and the statement "Net Contents One Gallon", borne on the label, were false and misleading in that the said statements and designs represented that the article was olive oil imported from a foreign country, and that the cans each contained 1 gallon net, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the cans contained less than 1 gallon net, and since the product was not olive oil imported from a foreign country, but was a domestic product consisting almost entirely of cottonseed oil, and the misleading statements and designs were not corrected by the statements written diagonally upwards on the panel, namely, "Vegetable Salad Oil Slightly Flavored With" and followed by the statement "Pure Olive Oil A Compound", written below, separately and horizontally, in view of the fact that olive oil is also a vegetable oil, and that pure olive oil could not be a compound other than a blend of different vintages of olive oil.

On May 23, 1935, the defendant entered a plea of guilty and the court imposed a fine of \$25.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24718. Adulteration of butter. U. S. v. Calhoun Creamery Co. Plea of guilty. Fine, \$25.** (F. & D. no. 33943. Sample no. 70737-A.)

This case was based on a shipment of butter that contained less than 80 percent of milk fat.

On March 11, 1935, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Calhoun Creamery Co., a corporation, Church,



Iowa, alleging shipment by said company in violation of the Food and Drugs Act on or about June 9, 1934, from the State of Iowa into the State of New York of a quantity of butter which was adulterated.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat, as required by the act of Congress of March 4, 1923, which the article purported to be.

On May 7, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$25.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24719. Adulteration of butter. U. S. v. Hans Larson (Saratoga Creamery Co.).**  
Plea of guilty. Fine, \$25. (F. & D. no. 33938. Sample no. 6456-B.)

This case involved a shipment of butter that contained less than 80 percent of milk fat.

On March 11, 1935, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Hans Larson, trading as the Saratoga Creamery Co., Saratoga, Iowa, alleging shipment by said defendant in violation of the Food and Drugs Act, on or about June 30, 1934, from the State of Iowa into the State of New York of a quantity of butter which was adulterated.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

On May 7, 1935, the defendant entered a plea of guilty and the court imposed a fine of \$25.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24720. Adulteration of frozen fish. U. S. v. Vita Food Products, Inc. Plea of guilty. Fine, \$200.** (F. & D. no. 34084. Sample nos. 14840-B, 14841-B.)

This case involved interstate shipments of frozen fish which was infested with worms.

On July 12, 1935, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Vita Food Products, Inc., Brooklyn, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, on or about October 3 and October 9, 1934, from the State of New York into the State of Pennsylvania, of quantities of frozen fish which was adulterated.

The article was alleged to be adulterated in that it consisted largely of a filthy animal substance, namely, triaenophorous worms and cysts, and for the further reason that it consisted in part of portions of animals unfit for food.

On July 22, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$200.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24721. Adulteration of canned sardines. U. S. v. 170 Cases, et al., of Canned Sardines. Consent decree of condemnation. Product released under bond to be exported.** (F. & D. no. 34190. Sample nos. 7065-B, 7453-B to 7456-B, incl.)

This case involved imported sardines which contained lead in an amount that might have rendered them injurious to health.

On October 26, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 379 cases of canned sardines at New York, N. Y., alleging that the article had been shipped from Lisbon, Portugal, by Uniao Industrial, arriving at the port of New York on or about December 27, 1933, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Maria Lisette Brand \* \* \* Sardines \* \* \* Uniao Industrial, Lad. Lisbon (Portugal) Packed in Portugal."

The article was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, lead, which might have rendered it injurious to health.

On April 30, 1935, the Knickerbocker Mills Co., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry

of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be exported.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24722. Misbranding of salad oil. U. S. v. 50 Cans of Salad Oil. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 34220. Sample no. 17609-B.)**

This case involved a product consisting of cottonseed oil artificially colored and flavored in imitation of olive oil, and labeled to convey the impression that it was olive oil.

On October 31, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cans of salad oil at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about October 8, 1934, by the Valentino Salad Oil Co., from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Olio Da Lucca Brand."

The article was alleged to be misbranded in that the designation, "Olio Marca Da Lucca," was misleading and tended to deceive and mislead the purchaser, when applied to an imitation olive oil. Misbranding was alleged for the further reason that the article was an imitation of another article, namely, olive oil, and was not plainly and conspicuously labeled as an imitation.

On May 24, 1935, the Valentino Salad Oil Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24723. Misbranding of salad oil. U. S. v. 31 Cans and 124 Cans of Salad Oil. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. nos. 34242, 34243. Sample nos. 17092-B, 17098-B.)**

These cases involved a product consisting of a mixture of oils, mainly cottonseed oil with some olive oil, which was labeled to convey the impression that it was Italian olive oil.

On November 2, 1934, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 155 cans of salad oil in part at North Bergen, N. J., and in part at Elizabeth, N. J., alleging that the article had been shipped in interstate commerce between the dates of September 26 and October 22, 1934, by the Valentino Salad Oil Co., from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Olio DaLucca Brand \* \* \* Packed By Valentino Salad Oil Co. Brooklyn, N. Y."

The article was alleged to be misbranded in that the following statements on the label, "Olio Marca DaLucca Olio puro d'oliva quindici per cento, con la migliore qualita d'olio vegetabile ottanta cinque per cento con aroma e colore \* \* \* Olio Marca DaLucca Garantito sotto ogni analisi chimica. Confessionato col processo piu igienico", were misleading and tended to deceive and mislead the purchaser, since they implied that the article was Italian olive oil; whereas it was not.

On May 24, 1935, the Valentino Salad Oil Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24724. Adulteration of canned mackerel. U. S. v. 447 Cases and 848 Cases of Canned Mackerel. Decrees of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. & D. nos. 34340, 34435. Sample nos. 11461-B, 17577-B.)**

These cases involved canned mackerel which was in part decomposed.

On November 9 and November 23, 1934, the United States attorneys for the Southern District of Alabama and the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 447 cases of canned mackerel at Mobile, Ala., and 848 cases of canned mackerel at Orange, N. J., alleging that the article had been shipped in interstate commerce on or about August 29 and September 24, 1934, by the Southern California Fish Corporation, from Terminal



Island, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sunset Brand California Mackerel \* \* \* Packed by Southern California Fish Corporation Los Angeles Harbor, Calif."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On May 24, 1935, the Southern California Fish Corporation, having appeared as claimant, judgments of condemnation were entered and it was ordered that the product be released under bond conditioned that the decomposed portion be segregated and destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24725. Adulteration of tomato pulp and tomato puree. U. S. v. 31,799 Cans of Tomato Puree, et al. Consent decree of condemnation. Products released under bond.** (F. & D. nos. 34372, 34383, 34390, 34396, 35057, 35184. Sample nos. 25488-B, 25529-B to 25532-B, incl., 25533-B to 25542, incl., 31806-B.)

These cases involved canned tomato pulp and tomato puree, a part of which contained excessive mold.

On or about November 20, 1934, February 5, and February 27, 1935, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 31,799 cans and 1,167 cases of tomato puree, and 19,464 cans of tomato pulp, in various lots at Belvidere, Ill., and Chicago, Ill., alleging that the articles had been shipped in interstate commerce between the dates of October 1 and October 29, 1934, in part by the Sweetser Canning Co. from Sweetser, Ind., and in part by the Summitville Canning Co., from Summitville, Ind., and charging adulteration in violation of the Food and Drugs Act. A portion of the tomato puree was labeled in part: "Richelieu Brand Puree of Tomatoes \* \* \* Distributed by Sprague Warner and Company, Chicago, Ill." The remainder of the puree and the tomato pulp were unlabeled.

The articles were alleged to be adulterated in that they consisted in whole or in part of decomposed vegetable substances.

On July 12, 1935, the Sweetser Canning Co. and the Summitville Canning Co., having appeared as claimants for the property and the cases having been consolidated, judgment of condemnation was entered and it was ordered that the products be released under bond conditioned that they should not be disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24726. Adulteration of canned mackerel. U. S. v. 400 Cartons, et al., of Canned Mackerel. Decrees of condemnation. Product released under bond for segregation and destruction of unfit portion.** (F. & D. nos. 34391, 34392, 34393, 34456. Sample nos. 6077-B, 11843-B.)

These cases involved interstate shipments of canned mackerel which was in part decomposed.

On November 19 and December 3, 1934, the United States attorneys for the Western District of Louisiana and the Southern District of Florida, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 700 cartons of canned mackerel at Lake Charles, La., and 297 cases of canned mackerel at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce by the Sea Pride Packing Corporation, in part on or about September 27, 1934, from Terminal Island, Calif., and in part on or about November 1, 1934, from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sea Pride Brand Mackerel \* \* \* Packed by Sea Pride Packing Corp."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On April 16 and June 25, 1935, the Sea Pride Packing Corporation, claimant, having admitted the allegations of the libel, judgments of condemnation were entered and it was ordered that the product be released under bond conditioned that the unfit portion be segregated and destroyed under the supervision of this Department.

W. R. GREGG, *Acting Secretary of Agriculture.*



**24727. Adulteration of tomato pulp and tomato puree. U. S. v. 2,836 Cans of Tomato Pulp, et al. Default decrees of condemnation and destruction.** (F. & D. nos. 34430, 34436, 34437. Sample nos. 19756-B, 19757-B, 19758-B, 19759-B.)

These cases involved canned tomato pulp and canned tomato puree that contained excessive mold.

On November 26 and November 27, 1934, the United States attorney for the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 5,674 cans of tomato pulp and 5,664 cans of tomato puree at Cleveland, Ohio, alleging that the articles had been shipped in interstate commerce in various shipments between the dates of October 22 and November 15, 1934, by the Lapel Canning Co., from Lapel, Ind., and charging adulteration in violation of the Food and Drugs Act.

The articles were alleged to be adulterated in that they consisted wholly or in part of a decomposed vegetable substance.

On June 3, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24728. Adulteration of canned mackerel. U. S. v. 297 Cases of Canned Mackerel. Consent decree of condemnation. Product released under bond for segregation and destruction of decomposed portion.** (F. & D. no. 34471. Sample no. 6084-B.)

This case involved a shipment of canned mackerel which was in part decomposed.

On December 3, 1934, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 297 cases of canned mackerel at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about October 20, 1934, by the Seaboard Packing Corporation, from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Dixiland Brand Mackerel. \* \* \* Packed by Seaboard Packing Corporation, Long Beach, California."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On May 22, 1935, the Seaboard Packing Corporation, claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the decomposed portion be segregated and destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24729. Adulteration of canned shrimp. U. S. v. 200 Cases of Canned Shrimp. Consent decree of condemnation. Product released under bond.** (F. & D. nos. 34546, 34547. Sample nos. 20052-B, 20053-B.)

This case involved canned shrimp which was in part decomposed.

On December 10, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 cases of canned shrimp at Tacoma, Wash., alleging that the article had been shipped in interstate commerce on or about October 22, 1934, by the J. H. Pelham Co., from Pascagoula, Miss., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sea-Fresh Brand Shrimp \* \* \* Packed by The J. H. Pelham Co. Pascagoula, Miss."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On June 13, 1935, J. H. Pelham Co., Inc., having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24730. Adulteration of canned shrimp. U. S. v. 57 Cases of Canned Shrimp.** Consent decree of condemnation. Product released under bond for segregation and destruction of decomposed portions. (F. & D. no. 34560. Sample no. 21247-B.)

This case involved canned shrimp which was in part decomposed.

On or about December 17, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 57 cases of canned shrimp at New Haven, Conn., alleging that the article had been shipped in interstate commerce in part on or about August 13, 1934, and in part on or about October 15, 1934, by the Deer Island Fish & Oyster Co., of Bayou La Batre, Ala., from Mobile, Ala., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Gulf's Best Brand Fancy Baby Shrimp \* \* \* Bayou La Batre, Ala. Biloxi, Miss.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On May 22, 1935, the Deer Island Fish & Oyster Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the decomposed portion be segregated and destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24731. Misbranding of salad oil. U. S. v. 3 Cartons, et al., of Salad Oil.** Decrees of condemnation. Portion of product released under bond to be relabeled. Remainder ordered relabeled and delivered to charitable organizations. (F. & D. nos. 34395, 34669, 34670, 35037. Sample nos. 17931-B, 21264-B, 21273-B.)

These cases involved two brands of salad oil, one consisting of a mixture of cottonseed oil and another oil similar to sunflower oil, with little or no olive oil present; and the other consisting principally of cottonseed oil with some olive oil present, both of which were labeled to convey the impression that the product was olive oil of foreign origin.

On November 19, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five cartons of salad oil at Hazleton, Pa. On December 26, 1934, and January 8, 1935, libels were filed against 194 cans of salad oil at New Haven, Conn., and 25 cartons of salad oil at Hazleton, Pa. The libels charged that the article had been shipped in interstate commerce in various shipments between the dates of July 18 and October 25, 1934, by the Venice Importing Co., from Brooklyn, N. Y., and that it was misbranded in violation of the Food and Drugs Act. A portion of the article was labeled: "Olio Romanelle Brand \* \* \* Venice Importing Co. New York Importers & Packers." The remainder was labeled in part: "Olio Sopraffino Belbo Brand \* \* \* Packed By SB B'klyn, N. Y."

The Romanelle brand was alleged to be misbranded in that the following statements on the label, "Olio Marca Romanelle", "Ottanta Per Cento Olio Puro Vegetale Venti Per Cento Olio Di Oliva Puro Importato", "Attenzione La eccezionale ricchezza e l'aroma superiore dell' Olio Romanelle non e' accidentale. Questo e' il risultato di una scientifica scelta nella preparazione degli olii. Per anni la direzione di questa compagnia ha fatto uno studio accurato per ottenere un ottimo gusto in modo che ciascuno recipiente possa ricevere una perfezionata ed esatta porzione di vitamine e di valore nutritivo in giusta proporzione. La qualita' e l'aroma piuttosto che la quantita' di produzione sono stati sempre la mira di questa compagnia", and "Venice Importing Co. New York Importers & Packers", were misleading and tended to deceive and mislead the purchaser, since they created the impression that the product was Italian olive oil; whereas it was not, and this impression was not corrected by the subsidiary statement on the label, "Eighty Per Cent Pure Vegetable Oil Twenty Per Cent Pure Imported Olive Oil", in view of the marked prominence given to the word "Olio." Misbranding of the Belbo brand was alleged for the reason that the statements, "Olio Sopraffino Belbo \* \* \* Questo Latta Contiene Una Deliziosa Qualita Di Olio Per Insalata Uso Tavola E Per Uso Cucina", together with the design of the Italian coat of arms, were misleading and tended to deceive and mislead the purchaser, since they created the impression that the article was Italian olive oil; whereas it was not. Misbranding was alleged with respect to both brands of the product for the further reason that it purported to be a foreign product when not so.



On April 22, 1935, no claimant having appeared for the product seized at Hazleton, Pa., judgments of condemnation were entered and it was ordered that the product be emptied into properly labeled containers and delivered to charitable organizations. On September 17, 1935, claims having been entered for the property seized at New Haven, Conn., judgments of condemnation were entered and it was ordered that the product be released to the claimant under bond conditioned that it be relabeled.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24732. Adulteration of tomato puree. U. S. v. 222 Cases of Tomato Puree. Consent decree of condemnation and destruction. (F. & D. no. 34686. Sample no. 25273-B.)**

This case involved an interstate shipment of canned tomato puree that contained excessive mold.

On January 3, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 222 cases of canned tomato puree at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 22, 1934, by the Rush County Packing Co., from Glenwood, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Richelieu Brand Puree of Tomatoes \* \* \* Distributed by Sprague, Warner & Company, Chicago, Ill."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On May 6, 1935, the Rush County Packing Co., the sole intervenor, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24733. Adulteration of tomato puree and adulteration and misbranding of tomato paste and tomato catsup. U. S. v. 36 Cases of Tomato Paste, et al. Default decrees of condemnation and destruction. (F. & D. nos. 34989, 35070, 35186, 35296, 35347, 35366, 35523. Sample nos. 14579-B, 14600-B, 14740-B, 23686-B, 26022-B, 26049-B, 29042-B.)**

These cases involved tomato products which were adulterated, all lots having been found to contain excessive mold, and one lot being artificially colored. Portions of the products also were misbranded.

On January 25, February 9, February 27, March 23, April 8, and April 12, 1935, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 46 cases of tomato paste at Worcester, Mass., 41 cases of tomato puree at Boston, Mass., and 47 cases of tomato catsup and 25 cases of tomato paste at Lawrence, Mass. On May 21, 1935, a libel was filed in the Western District of Pennsylvania against six cases of tomato paste at Washington, Pa. The libels alleged that the articles had been shipped in interstate commerce between the dates of September 26, 1934 and March 21, 1935, by the Brocton Preserving Co., Inc., in part from Brocton, N. Y., and in part from Fredonia, N. Y., and charged that they were adulterated, and that portions of the tomato paste and tomato catsup were also misbranded in violation of the Food and Drugs Act. The articles were labeled, variously: "Fairview Tomato Puree \* \* \* Packed by Brocton Preserving Co. Brocton, N. Y."; "Brocton Brand Tomato Ketchup \* \* \* Guaranteed to be Pure and to Comply with All Food Laws Brocton Preserving Co., Brocton, N. Y."; "Fedora Italian Style Tomato Paste \* \* \* Salsa Pura Di Pomodoro Con Basilico Packed by Brocton Preserving Co. Brocton, New York."

The articles were alleged to be adulterated in that they consisted wholly or in part of a decomposed vegetable substance. A portion of the tomato paste was alleged to be further adulterated in that it was colored in a manner whereby inferiority was concealed.

Misbranding was alleged with respect to portions of the articles in that certain statements in the labeling were false and misleading and tended to deceive and mislead the purchaser, viz. "Guaranteed to be Pure and to Comply With All Food Laws", with respect to a portion of the tomato ketchup, since it was not pure and did not comply with the Federal Food and Drugs Act, "Con Basilico", with respect to a portion of the tomato paste, since it contained no basil; and "Tomato Paste \* \* \* Salsa Pura Di Pomodoro", with respect to a portion of the tomato paste, since it was artificially colored

tomato paste, and the misbranding was not corrected by the inconspicuous vertical declaration "Harmless Color Added", appearing on the side panel.

On April 8, April 22, April 29, May 27, June 3, and June 27, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24734. Misbranding of canned mackerel. U. S. v. 200 Cases of Canned Mackerel. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 34880. Sample no. 29107-B.)**

This case involved canned mackerel which was short weight.

On January 14, 1935, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 cases of canned mackerel at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about December 1, 1934, by Cohn-Hopkins, Inc., from San Diego, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Wood's Quality Brand California Deep Sea Light Meat Mackerel Fillet. Contents 7 Oz. Packed by Cohn-Hopkins, Inc. San Diego, Calif."

The article was alleged to be misbranded in that the statement, "Contents 7 Oz.", appearing on the label, was false and misleading and tended to deceive and mislead the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On June 12, 1935, the United States Warehouse Co., Detroit, Mich., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reshipped to Cohn-Hopkins, Inc., for relabeling under the supervision of this Department.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24735. Adulteration and misbranding of olive oil. U. S. v. 2 Cases, et al., of Alleged Olive Oil. Default decrees of condemnation and destruction. (F. & D. nos. 35051 to 35056, incl., 35130 to 35133, incl. Sample nos. 26001-B, 26002-B, 26004-B.)**

These cases involved a product consisting of a vegetable oil other than olive oil, artificially colored and flavored, which was labeled to create the impression that it was pure olive oil.

On February 2 and February 11, 1935, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 9 cases and 41 cans of alleged olive oil at Worcester, Mass., and 37 cans of alleged olive oil at Fitchburg, Mass., charging that the article had been shipped in interstate commerce in various shipments on or about December 21, 1934, January 15, and January 16, 1935, by the Italia Importing Co., from Bridgeport, Conn., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a vegetable oil other than olive oil had been substituted wholly or in part for olive oil. Adulteration was alleged for the further reason that the article had been colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the following statements appearing on the label, (main panels) "Pure Olive Oil \* \* \* Italy \* \* \* Philip Berio and C. Lucca Tuscany \* \* \* Olio d'Oliva Puro \* \* \* Italia \* \* \* Filippo Berio \* \* \* Lucca Toscana", (side panels) "Prize awarded at the Chicago Exposition 1893 for Pure Olive Oil to Philip Berio and C. of Lucca. Onde Proteggere la nostra marca dalle continue contraffazioni ciascuna lattina deve portare la nostra firma autentica invece della nostra ditta stampato come per il passato. Ogni contraffattore della nostra marca sara punito a termini di legge. Olio Puro D'Oliva della ditta Filippo Berio & C. Di Lucca Premiato All' Esposizione di Chicago 1893 Salvo \* \* \* Lucca Packed in Italy", and (imprinted in ends of can) "Packed in Italy", were false and misleading and tended to deceive and mislead the purchaser, since the article was not Italian olive oil. Misbranding was alleged for the further reasons that the article was an imitation of another article, namely, olive oil;



that it was offered for sale under the distinctive name of another article, namely, olive oil; and that it purported to be a foreign product when not so.

On April 8 and April 22, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24736. Adulteration of canned tomato puree. U. S. v. 396 Cases of Canned Tomato Puree. Consent decree of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. & D. no. 35060. Sample no. 25486-B.)**

This case involved canned tomato puree that contained excessive mold.

On February 5, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 396 cases of tomato puree at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 17, 1934, by St. Marys Packing Co., from St. Marys, Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Plymouth Rock Puree of Tomatoes \* \* \* Distributed by Sprague, Warner and Company, Chicago, Ill."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On June 13, 1935, St. Marys Packing Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the decomposed portion be segregated and destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24737. Adulteration of tomato puree. U. S. v. 893 Cases and 46 Cases of Tomato Puree. Decree of condemnation. Portion of product destroyed. Remainder released under bond for segregation and destruction of unfit portion. (F. & D. nos. 35150, 35354. Sample nos. 21942-B, 21947-B, 29280-B.)**

These cases involved shipments of canned tomato puree, a part of which contained excessive mold.

On or about February 21, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 893 cases of tomato puree at Chicago, Ill. On April 11, 1935, a libel was filed in the Southern District of New York against 46 cases of canned tomato puree at New York, N. Y. It was alleged in the libels that the article had been shipped in interstate commerce in part on or about November 21, 1934, and in part on or about January 17, 1935, by the Crampton Canneries, Inc., from Celina, Ohio, and that it was adulterated in violation of the Food and Drugs Act. A portion of the article was labeled: "Mill Brand Tomato Puree \* \* \* Packed by Crampton Canneries Inc. Celina, Ohio." The remainder was labeled: "Erna Brand Tomato Puree \* \* \* H. B. Day Co. New York City Distributors."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On April 18, 1935, the Crampton Canneries, Inc., having appeared as claimant for the product seized at Chicago, and having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the unfit portion be segregated and destroyed. On May 4, 1935, no claim having been entered for the product seized at New York, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24738. Misbranding of tomato paste. U. S. v. 102 Cases of Tomato Paste. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 35151. Sample no. 25495-B.)**

This case involved tomato paste of domestic manufacture which was labeled to convey the impression that it was of foreign origin.

On February 16, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 102 cases of tomato



paste at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about December 4, 1934, by the Manteca Canning Co., from Manteca, Calif., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "La Nuova Italia Brand Salsa Di Pomodoro \* \* \* Distributed by R. Gerber and Co. Chicago."

The article was misbranded in that the following statements "La Nuova Italia Salsa Di Pomodoro", together with a foreign scene in a circular design, the design of crown and shield, and the use of the Italian national colors borne on the label, were false and misleading in that the said statements and design implied that the article was an Italian product, and for the further reason that the article purported to be a foreign product when not so.

On May 22, 1935, R. Gerber, Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24739. Misbranding of brandy. U. S. v. 93 Cases of Brandy. Decree of condemnation. Product released under bond.** (F. & D. no. 35159. Sample nos. 26182-B, 26183-B, 26187-B, 26188-B.)

This case involved brandy that contained less alcohol than declared on the label. The label of a portion of the article failed to bear a statement of the quantity of the contents.

On February 27, 1935, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 93 cases of brandy at Denver, Colo., consigned by B. Cribari & Sons, Inc., San Jose, Calif., alleging that the article had been shipped in interstate commerce in various shipments between the dates of November 2 and December 8, 1934, from the State of California into the State of Colorado, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Cribari's California Grape Brandy 100 Proof [or "Mel-Lo Mist California Grape Brandy 90 Proof"] Distilled by B. Cribari & Sons, Inc. San Jose, California."

The article was alleged to be misbranded in that the statements on the labels, "100 Proof" and "90 Proof", were false and misleading and tended to deceive and mislead the purchaser, since they did not correctly state the alcohol content of the product. Misbranding was alleged with respect to a portion of the article for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 24, 1935, B. Cribari & Sons, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the alcoholic strength of the various lots be equalized and that it be relabeled under the supervision of this Department.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24740. Adulteration of tomato catsup. U. S. v. 35 Cases of Tomato Catsup. Default decree of condemnation and destruction.** (F. & D. no. 35160. Sample no. 355-B.)

This case involved canned tomato catsup that was found to contain the bodies of worms and insects and worm hairs.

On February 18, 1935, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35 cases of tomato catsup at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about September 4, 1934, by the Utah Canning Co., from Ogden, Utah, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Pierces Tomato Catsup \* \* \* The Utah Canning Co., Ogden, Utah."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On June 29, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24741. Adulteration of canned raspberries. U. S. v. 20 Cartons of Canned Raspberries. Default decree of condemnation and destruction. (F. & D. no. 35163. Sample no. 26350-B.)**

This case involved an interstate shipment of canned raspberries that were worm- and insect-infested.

On February 21, 1935, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 cartons of canned raspberries at Billings, Mont., alleging that the article had been shipped in interstate commerce on or about January 30, 1935, by the Olympia Canning Co., from Olympia, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Olympia Brand Red Raspberries \* \* \* Packed by Olympia Canning Co. Olympia, Wash."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On May 29, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24742. Adulteration of tomato puree. U. S. v. 100 Cases and 197 Cases of Tomato Puree. Default decrees of condemnation and destruction. (F. & D. nos. 35164, 35185. Sample nos. 20814-B, 20824-B.)**

These cases involved canned tomato puree that contained excessive mold.

On February 21 and February 27, 1935, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 297 cases of canned tomato puree in part at Pittsburgh, Pa., and in part at McKeesport, Pa., alleging that the article had been shipped in interstate commerce on or about January 12, 1935, by the Minster Canneries, Inc., from Minster, Ohio, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: "V and H Fancy Whole Tomato \* \* \* Packed by Minster Canneries, Inc. Minster, O." The remainder was labeled in part: "Master Chef Brand Whole Tomato Puree \* \* \* Distributed by Potter-McCune Co. McKeesport, Pa."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On June 8, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24743. Adulteration of tomato catsup. U. S. v. 24 Cases, et al., of Tomato Catsup. Default decrees of condemnation and destruction. (F. & D. nos. 35178, 35224, 35331. Sample nos. 22819-B, 22964-B, 26005-B.)**

These cases involved interstate shipments of tomato catsup that contained excessive mold.

On February 25, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 cases of tomato catsup at Lowell, Mass. On March 7 and April 4, 1935, libels were filed in the District of Minnesota against 119 cases of tomato catsup at Minneapolis, Minn. The libels alleged that the article had been shipped in interstate commerce in various shipments on or about October 6, December 11, 1934, and March 2, 1935, in part in the name of the Naas Corporation of Indiana, and in part in the name of the Naas Corporation, from Sunman, Ind., and that it was adulterated in violation of the Food and Drugs Act. A portion of the article was labeled: "Steuben Brand Tomato Catsup \* \* \* The Naas Corporation of Indiana Sunman, Ind." The remainder was labeled: "Sun-Red Brand Tomato Catsup \* \* \* Naas Corporation Cohocton, N. Y."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On April 29 and June 23, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*



**24744. Adulteration of tomato catsup. U. S. v. 38 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. no. 35187. Sample no. 22817-B.)**

This case involved tomato catsup that contained excessive mold.

On February 27, 1935, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District court a libel praying seizure and condemnation of 38 cases of tomato catsup at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about October 26, 1934, by John S. Mitchell, Inc. from Windfall, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Carol Brand Catsup \* \* \* Winston & Newell Co. Minneapolis."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On May 14, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24745. Adulteration and misbranding of alleged olive oil. U. S. v. 100 Cans of Alleged Olive Oil. Consent decree of condemnation. Product released under bond. (F. & D. no. 35189. Sample no. 30403-B.)**

This case involved an interstate shipment of alleged olive oil which was found to consist in part of oil other than olive oil.

On January 26, 1935, the United States attorney for the District of Connecticut, acting upon a report by an official of the State of Connecticut, filed in the district court a libel praying seizure and condemnation of 100 cans of alleged olive oil at Middletown, Conn., alleging that the article had been shipped in interstate commerce on or about January 25, 1935, by John DePierro from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that sunflower, peanut, or other oil had been substituted in part for olive oil, which the article purported to be.

Misbranding was alleged for the reason that the following statements borne on the label, "Superfine Olive Oil, Imported Italia Brand, Lucca, Italy" and "Net Contents one gallon, first pressing, cream olive oil recommended highly for table and medicinal use", were misleading and tended to deceive and mislead the purchaser, since they represented that the product was imported olive oil; whereas it consisted largely of sunflower, peanut, or other oil mixed with some olive oil compounded and packed in the United States. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so.

On June 7, 1935, Frank Bombaci, Middletown, Conn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be emptied into properly labeled containers.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24746. Adulteration of canned huckleberries. U. S. v. 52 Cases and 80 Cases of Canned Huckleberries. Default decrees of condemnation and destruction. (F. & D. nos. 35203, 35274. Sample nos. 15344-B, 20029-B.)**

These cases involved canned huckleberries which were infested with worms or insects.

On February 29 and March 16, 1935, the United States attorneys for the District of Idaho and the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 52 cases of canned huckleberries at Lewiston, Idaho, and 80 cases of canned huckleberries at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about September 19 and October 8, 1934, by the Valley Fruit Co., from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Big Bear Brand Water Pack. Huckleberries, \* \* \* Packed for M. A. Newmark & Co., Los Angeles, Calif." The remainder was labeled in part: "Expo Brand Huckleberries \* \* \* Packed for National Grocery Co., Seattle, Washn."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On April 16 and May 13, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24747. Adulteration of canned huckleberries. U. S. v. 16 Cases, et al., of Canned Huckleberries. Default decree of condemnation and destruction.** (F. & D. nos. 35204, 35431, 35432. Sample nos. 20030-B, 20287-B, 20290-B, 20291-B.)

These cases involved canned huckleberries that contained worms.

On February 28, 1935, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 cases of canned huckleberries at Lewiston, Idaho. On May 2, 1935, libels were filed in the District of Oregon against 300 cases of canned huckleberries at Portland, Oreg., and 36½ cases at Salem, Oreg. The libels charged that the article had been shipped in interstate commerce between the dates of September 24, 1934, and February 6, 1935, by Younglove & Co., from Tacoma, Wash., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled, variously: "Porto Brand Huckleberries \* \* \* Mason Ehrman and Co. Portland Oregon"; "White Star Brand Huckleberries \* \* \* Packed for General Grocery Company Inc. Portland Oregon"; "B and H Brand Huckleberries Younglove & Company, Tacoma, Wash."; "Rock Dell Brand Huckleberries. Packed by Younglove & Company Tacoma Wash."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On May 13 and June 25, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24748. Adulteration of tomato puree. U. S. v. 137 Cases of Tomato Puree. Default decree of condemnation and destruction.** (F. & D. no. 35208. Sample no. 31808-B.)

This case involved a shipment of tomato puree that contained excessive mold.

On March 2, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 137 cases of tomato puree at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 28, 1935, by the Cicero Canning Co., from Cicero, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Blossom Brand \* \* \* Puree of Tomatoes, Distributed by Durand-McNeill-Horner Co. Chicago, Ill."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On May 3, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24749. Adulteration of hot sauce. U. S. v. 100 Cases of Hot Sauce. Default decree of condemnation and destruction.** (F. & D. no. 35220. Sample nos. 1584-B, 4791-B.)

This case involved a shipment of hot sauce that contained excessive mold.

On March 5, 1935, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cases of hot sauce at Baltimore, Md., alleging that the article had been shipped in interstate commerce, on or about January 15, 1935, by the Riverbank Canning Co., of Stockton, Calif., from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Troubadour Hot Sauce \* \* \* Griffith-Durney Co. Distributors San Francisco, Calif."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On May 6, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24750. Adulteration of tomato puree. U. S. v. 48 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 35223. Sample no. 31816-B.)**

This case involved a shipment of tomato puree that contained excessive mold.

On March 5, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 48 cases of tomato puree at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 9, 1934, by Charles Anick, from Glenwood, Ind., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On May 6, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24751. Adulteration of canned huckleberries. U. S. v. 105 Cartons of Canned Huckleberries. Default decree of condemnation and destruction. (F. & D. no. 35225. Sample no. 22377-B.)**

This case involved canned huckleberries which were found to contain maggots.

On March 12, 1935, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 105 cartons of canned huckleberries at Tampa, Fla., alleging that the article had been shipped in interstate commerce on or about January 12, 1935, by the National Fruit Canning Co., from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Lucky Find Huckleberries \* \* \* Chehalis Packing Co., Chehalis, Wash. Distributors."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On April 6, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24752. Adulteration of tomato puree. U. S. v. 34½ Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 35227. Sample no. 31814-B.)**

This case involved tomato puree that contained excessive mold.

On March 7, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34½ cases of tomato puree at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 24, 1934, by the French & Matlock Brokerage Co., from Mount Summit, Ind., charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Summit Brand Tomato Puree \* \* \* Summit Products Company, Mt. Summit, Ind."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On May 6, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24753. Adulteration of canned mackerel. U. S. v. 494 Cases of Canned Mackerel. Default decree of condemnation and destruction. (F. & D. no. 35232. Sample nos. 12785-B, 22376-B.)**

This case involved canned mackerel which was found to be in part decomposed.

On March 11, 1935, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 494 cases of canned mackerel at Tampa, Fla., alleging that the article had been shipped in interstate commerce on or about January 23, 1935, by the Certified Sea Foods Corporation, from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Best Ever Brand Prime Catch Fresh Mackerel \* \* \* Certified Sea Foods Corp. San Francisco Distributors."



The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On May 7, 1935, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24754. Adulteration of walnut meats. U. S. v. 9 Cartons of Walnut Meats. Default decree of condemnation and destruction. (F. & D. no. 35233. Sample no. 26116-B.)**

This case involved a shipment of walnut meats which were in part wormy and moldy.

On March 7, 1935, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 9 cartons of walnut meats at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce on or about January 30, 1935, by the Los Angeles Nut House, from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On May 3, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24755. Adulteration of dates. U. S. v. 167 Boxes and 164 Boxes of Dates. Default decrees of condemnation and destruction. (F. & D. nos. 35236, 35237. Sample nos. 29289-B, 29293-B.)**

These cases involved interstate shipments of dates which were worm-infested.

On March 8, 1935, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 331 boxes of dates at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 28, 1935, in part by the American Fruit & Produce Co., and in part by the W. R. Grace Co., from Minneapolis, Minn., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On May 6, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24756. Adulteration of canned tomato puree. U. S. v. 150 Cases of Canned Tomato Puree. Consent decree of condemnation and destruction. (F. & D. no. 35253. Sample no. 31817-B.)**

This case involved a shipment of canned tomato puree that contained excessive mold.

On March 12, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 cases of canned tomato puree at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about December 27, 1934, by the Matthews Canning Co., from Matthews, Ind., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On May 3, 1935, the Matthews Canning Co. having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24757. Adulteration of canned mackerel. U. S. v. 170 Cartons, et al., of Canned Mackerel. Decrees of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. & D. nos. 34227, 34343, 34470. Sample nos. 11552-B, 16383-B, 16390-B.)**

These cases involved canned mackerel which was in part decomposed.

On November 1, 1934, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 180 cartons of

canned mackerel at Jackson, Miss. On November 14 and December 6, 1934, libels were filed in the Northern District of Mississippi against 687 cases of canned mackerel at Greenwood, Miss. It was alleged in the libels that the article had been shipped in interstate commerce in various lots on or about October 2, October 6, and October 8, 1934, by the French Sardine Co., from Terminal Island, Calif., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Eatwell Brand California Mackerel Packed by French Sardine Co. Inc. Terminal Island, Calif."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

The French Sardine Co., Inc., appeared as claimant for the property. On April 27, 1935, judgment of condemnation was entered in the Southern District of Mississippi, and it was ordered that the product seized in that district be released under bond conditioned that the decomposed portion be segregated and destroyed. On May 20, 1935, judgments were entered in the remaining cases amending decrees of condemnation and destruction theretofore entered in order to permit release of the product in lieu of its destruction upon the filing of bonds conditioned that the portion fit for human consumption be released and the unfit portion destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24758. Adulteration of apples. U. S. v. 188 Bushel Baskets of Apples. Consent decree of condemnation. Product released under bond conditioned that deleterious substance be removed. (F. & D. no. 35441. Sample no. 14091-B.)**

Examination of the apples involved in this case showed the presence of lead in an amount that might have rendered them injurious to health.

On April 15, 1935, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 188 bushel baskets of apples at Huntington, W. Va., alleging that the article had been shipped in interstate commerce in various shipments between the dates of September 14 and September 21, 1934, by P. J. Harless & Sons, from South Point, Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Grown and Packed by P. J. Harless & Sons South Point, Ohio."

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it dangerous to health.

On May 11, 1935, P. J. Harless & Son, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered for the Government and it was ordered that the apples be released under bond conditioned that they be rewashed to remove the deleterious substance.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24759. Adulteration of crab meat. U. S. v. 23 Cans of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 36256. Sample no. 27659-B.)**

This case involved a shipment of crab meat which contained filth.

On August 12, 1935, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 cans of crab meat at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 8, 1935, by W. C. Larrimore, from St. Michaels, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On September 4, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24760. Adulteration of crab meat. U. S. v. 2 Barrels of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 36259. Sample no. 39922-B.)**

This case involved a shipment of crab meat which contained filth.

On August 9, 1935, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district

court a libel praying seizure and condemnation of two barrels of crab meat at Baltimore, Md., consigned by C. T. Slaughter, Morattico, Va., alleging that the article had been shipped in interstate commerce on or about August 6, 1935, from Morattico, Va., into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On August 30, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24761. Adulteration of packing-stock butter. U. S. v. 22 Barrels of Packing Stock Butter. Default decree of condemnation and destruction.** (F. & D. no. 35261. Sample no. 25595-B.)

This case involved a shipment of packing-stock butter that contained filth. On February 19, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 barrels of packing-stock butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about February 11, 1935, by the Ablon Produce Co., from Dallas, Tex., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On May 3, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24762. Adulteration of canned sardines. U. S. v. 45 Cases of Canned Sardines. Default decree of condemnation and destruction.** (F. & D. no. 35290. Sample no. 22895-B.)

This case involved a shipment of canned sardines which contained lead in an amount that might have rendered them injurious to health.

On March 21, 1935, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 45 cases of canned sardines at Green Bay, Wis., alleging that the article had been shipped in interstate commerce on or about July 3, 1934, by the Booth Fisheries Sardine Co., from Eastport, Maine, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Booth Red Diamond Brand Maine Sardines in Mustard Sauce Packed by Booth Fisheries Company Eastport, Maine."

The article was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, lead, which might have rendered it injurious to health.

On May 27, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24763. Misbranding of alleged olive oil. U. S. v. 25 Cans of Alleged Olive Oil. Default decree of condemnation and destruction.** (F. & D. no. 35304. Sample no. 26021-B.)

This case involved a product consisting of artificially flavored domestic cottonseed oil containing little or no olive oil, which was labeled to convey the impression that it was olive oil.

On March 27, 1935, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cans of alleged olive oil at Manchester, N. H., alleging that the article had been shipped in interstate commerce on or about July 25, 1934, by D. A. Previte, from Boston, Mass., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Corona Pure Olive Oil \* \* \* Corona Brand."

The article was alleged to be misbranded in that the following statements on the label, (main panels) "Puro Olio d' Oliva Produced in Italy Qualita' Superiore Garantita \* \* \* Pure Olive Oil Produced in Italy Quality Extra Guaranteed"; (side panels) "Il nostro olio di oliva e' garantito di essere assolutamente puro e superiore a qualunque altro sul mercato. Il grasso-



vegetable e' piu' salutarevole del grasso animale. \* \* \* Non mangiate grasso animale ma usate piu' del nostro olio di oliva. Questo olio e' prodotto da olivi scelti con cura e lo raccomandiamo per uso familiare e medicinale: \* \* \* Our olive oil is guaranteed to be absolutely pure and superior to any on the market. Vegetable fat is healthier than animal fat. Give up animal fat at once and eat more of our olive oil \* \* \* This olive oil is produced from carefully selected olives and is especially recommended for medicinal purposes", were false and misleading and tended to deceive and mislead the purchaser, since the product was not olive oil, but was artificially flavored domestic cottonseed oil containing little or no olive oil.

On May 9, 1935, no claimant having appeared judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24764. Adulteration of frozen eggs. U. S. v. 108 Cans of Frozen Eggs. Decree of condemnation. Product released under bond. (F. & D. no. 35306. Sample no. 23745-B.)**

This case involved a shipment of frozen eggs which were in part decomposed.

On March 27, 1935, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 108 cans of frozen eggs at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about May 12, 1934, by Swift & Co., from Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

Swift & Co. appeared as claimant and filed an answer averring that a large portion of the product was fit for human consumption. On May 13, 1935, judgment of condemnation was entered as of April 13, 1935. The decree provided that the product be released under bond and that only the good eggs be disposed of for human consumption.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24765. Adulteration of olives. U. S. v. 25 Boxes, et al., of Olives. Decrees of condemnation and destruction. (F. & D. nos. 35313, 35314, 35315, 35378 to 35381, incl. Sample nos. 13010-B, 21182-B, 21183-B, 21184-B, 30109-B to 30112-B, incl.)**

Examination of the olives involved in these cases showed a dried, slimy deposit in the creases which consisted of a miscellaneous mixture of dirt, yeast, and bacteria. In certain lots a large proportion also were moldy.

On March 29 and April 15, 1935, the United States attorney for the Eastern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 393 boxes of olives at Brooklyn, N. Y. On April 15 and April 16, 1935, libels were filed against 37 boxes of olives at Jersey City, N. J., and 44 boxes at New York, N. Y. The libels charged that the article had been shipped in interstate commerce on or about February 6, 1935, by the Riverbank Canning Co., from Riverbank, Calif., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Olive Nere Secche Speciale Preparazione \* \* \* Calif. Olive Products Co. Reedley, Calif."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On May 13, May 16, and July 13, 1935, all parties in interest having defaulted or consented to the destruction of the property, judgments of condemnation were entered and the product was ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24766. Adulteration of frozen shrimp. U. S. v. 35 Blocks, et al., of Frozen Shrimp. Default decrees of condemnation and destruction. (F. & D. nos. 35324, 35325, 35403. Sample nos. 21671-B, 21701-B, 21704-B.)**

These cases involved frozen shrimp which was wholly or in part decomposed.

On March 14, March 21, and March 28, 1935, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 96 blocks, 10 pounds each, and 2 boxes containing 304 pounds of frozen shrimp, at New York, N. Y., alleging that the article had been shipped in interstate commerce in various shipments on or about September 13, September 15, September 29, and October 2, 1934, by D. H. Ward, S. E. Willis, Dave Adams,

and Sam E. Willis from Morehead City, N. C.; Way Bros. Co. and Louis B. Willis, from Beaufort, N. C.; Independent Fish Co., from Georgetown, S. C.; and John Santos, from Georgetown, S. C., and Yonges Island, S. C., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On April 9 and April 25, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24767. Adulteration and misbranding of green field peas with "snaps." U. S. v. 80 Cases, et al., of Green Field Peas With Snaps. Default decrees of condemnation and destruction.** (F. & D. nos. 35336, 35337, 35338, 35340, 35420, 35455, 35503. Sample nos. 6068-B, 7517-B, 7518-B, 7519-B, 7521-B, 7525-B, 29877-B.)

These cases involved canned green field peas with "snaps" which were adulterated since they were decomposed and worm-infested. The product was also misbranded since it was labeled to convey the impression that it contained an appreciable amount of string beans, whereas it consisted essentially of cowpeas with but a trace of string beans.

On April 4, April 5, May 1, and May 15, 1935, the United States attorney for the Middle District of Alabama, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 415 cases of green field peas with "snaps" at Montgomery, Ala., and 23 cases at Opelika, Ala. On April 6 and April 25, 1935, libels were filed against 80 cases of the product at Jacksonville, Fla., and 13 cases at Demopolis, Ala. The libels alleged that the article had been shipped in interstate commerce in various shipments between the dates of August 13 and September 4, 1934, by the Easterlin Packing Co., from Andersonville, Ga., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Flint River Brand Green Field Peas with Snaps \* \* \* Packed by Easterlin Packing Co. Andersonville, Georgia."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

Misbranding was alleged for the reason that the designation "Green Field Peas with Snaps" and the vignette of a dish of green-beanlike vegetables and a goodly number of pieces of string beans, deceived and misled the purchaser when applied to a product which consisted essentially of cowpeas with only traces of string beans.

On May 3, July 6, and August 15, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24768. Adulteration and misbranding of canned green field peas with "snaps." U. S. v. 42 Cases, et al., of Green Field Peas with Snaps. Decree of condemnation and destruction.** (F. & D. nos. 35339, 35507, 35508, 35609. Sample nos. 6021-B, 7520-B, 13834-B, 13835-B.)

These cases involved interstate shipments of a product which was adulterated because it was decomposed and worm- or insect-infested, and was misbranded because it was labeled to convey the impression that it contained an appreciable amount of snap beans, whereas it consisted essentially of cowpeas.

On April 4 and May 16, 1935, the United States attorney for the Middle District of Alabama, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 91 cases of canned green field peas with "snaps", in various lots at Union Springs, Eufaula, and Dothan, Ala. On or about June 7, 1935, a libel was filed in the Southern District of Florida against 28 cases of the product at Jacksonville, Fla. The libels charged that the article had been shipped in interstate commerce between the dates of September 5, 1934, and February 9, 1935, by the Pomona Products Co., from Griffin, Ga., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Sunshine Brand Green Field Peas with Snaps \* \* \* Packed by Pomona Products Co., Griffin, Ga."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy, decomposed vegetable substance.



Misbranding was alleged for the reason that the statement "Green Field Peas With Snaps", and the vignette of dish of green-beanlike vegetables and a number of pieces of pods suggestive of string beans borne on the label, were false and misleading and tended to deceive and mislead the purchaser when applied to the product which consisted essentially of cowpeas.

The consignee of the product seized at Union Springs, Ala., filed an answer admitting the allegations of the libel and consenting to the entry of a decree. No claim or answer was filed in the remaining cases. On April 30, July 19, and August 15, 1935, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24769. Adulteration of tomato paste. U. S. v. 1,288 Cans of Tomato Paste. Default decree of condemnation and destruction. (F. & D. no. 35341. Sample no. 21617-B.)**

This case involved a shipment of tomato paste that contained excessive mold.

On or about April 5, 1935, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,288 cans of tomato paste at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about September 26, 1934, by the Helen Packing Corporation, from North Collins, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Vittoria Brand Pure Tomato Paste \* \* \* Packed by Helen Packing Corp. North Collins, N. Y."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On May 9, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24770. Adulteration of butter. U. S. v. 9 Cartons of Butter. Default decree of condemnation. (F. & D. no. 35343. Sample no. 14084-B.)**

This case involved butter which was found to contain filth.

On April 3, 1935, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of nine cartons of butter at Washington, D. C., alleging that the article was in possession of Kingan & Co., Washington, D. C., and was being offered for sale in the District of Columbia, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Shenandoah Brand Creamery Butter \* \* \* Valley Creamery, Inc. Penn Laird, Virginia."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy animal substance.

On May 3, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be disposed of in such manner as would not violate the provisions of the Federal Food and Drugs Act.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24771. Adulteration of concentrated strained tomatoes. U. S. v. 197 Cases of Concentrated Strained Tomatoes. Default decree of condemnation and destruction. (F. & D. no. 35349. Sample no. 24294-B.)**

This case involved a shipment of concentrated strained tomatoes that contained excessive mold.

On April 9, 1935, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 197 cases of concentrated strained tomatoes at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 18, 1934, by C. W. Baker & Sons, from Aberdeen, Md., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Xlent Brand Concentrated Strained Tomatoes."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On May 6, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*



**24772. Misbranding of canned cherries. U. S. v. 19 Cases and 16 Cases of Canned Cherries. Default decrees of condemnation. Product delivered to charitable organizations. (F. & D. nos. 35383, 35384. Sample nos. 28580-B, 28581-B.)**

These cases involved two lots of canned cherries which fell below the standard established by this Department, and which were not labeled to indicate that they were substandard.

The labeling was further objectionable, since one lot was short of the declared weight, and the other was falsely labeled as to the name of the manufacturer and place of manufacture.

On April 16, 1935, the United States attorney for the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 35 cases of canned cherries at Youngstown, Ohio, alleging that the article had been shipped in interstate commerce in part on or about January 29, 1935, and in part on or about February 18, 1935, by the North East Preserving Works, Inc., from North East, Pa., and charging misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled: "Cedar Grove Brand R. S. P. Sour Cherries in Water Contents 1 Lb. 5 Ozs. Fancy Quality Packed by North East Preserving Works Inc. North East, Pa." The remainder was labeled: "North East Brand Pitted Red Cherries in Syrup Contents 1 Lb. 4 Oz. Packed by Stittville Canning Co. Principal Office, Utica, N. Y."

The North East brand was alleged to be misbranded in that the statement, "Packed by Stittville Canning Co., Utica, N. Y.," was false and misleading and tended to deceive and mislead the purchaser, since the goods were packed by the North East Preserving Works, Inc., North East, Pa. Misbranding of the Cedar Grove brand was alleged for the reason that the statements, "Fancy Quality" and "Contents 1 Lb. 5 Ozs.," were false and misleading and tended to deceive and mislead the purchaser when applied to a substandard product which was short of the declared net contents. Misbranding of the Cedar Grove brand was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement was incorrect. Misbranding was alleged with respect to both brands for the further reason that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture because of the presence of excessive pits in both lots, and because one lot was water-packed and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On June 3, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be delivered to charitable organizations.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24773. Misbranding of canned peas. U. S. v. 250 Cases et al., of Canned Peas. Decrees of condemnation. Product released under bond to be relabeled. (F. & D. nos. 35393, 35632, 35656, 35700, 35701. Sample nos. 24299-B, 28213-B, 31934-B, 32529-B, 32530-B, 32531-B, 32627-B.)**

These cases involved canned peas which fell below the standard established by this Department, since they contained an excessive percentage of ruptured peas and, in some lots, excessive water-insoluble solids, and which were not labeled to indicate that they were substandard.

On April 17, 1935, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 250 cases of canned peas at Philadelphia, Pa. On June 7, June 18, June 28, and July 1, 1935, libels were filed against 915 cases of the product at St. Louis, Mo., 64 cases at Boston, Mass., 300 cases at Detroit, Mich., and 856 cases at Ottumwa, Iowa. The libels alleged that the article had been shipped in interstate commerce in various shipments between the dates of February 11 and May 3, 1935, by the G. L. Webster Co., Inc., from Cheriton, Va., and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Webster's [or "Tower Hill Brand", "Park Hall Brand", or "Eyre Hall Brand"] Early June Peas \* \* \* Packed by G. L. Webster Company Incorporated Cheriton, Virginia."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture because the peas were not immature, and the package or label

did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On April 30, July 5, August 1, and August 30, 1935, the G. L. Webster Co., Inc., and R. Schayowitz & Son, Detroit, Mich., having appeared as claimants for respective portions of the property, judgments of condemnation were entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24774. Adulteration of lemon extract. U. S. v. 221 Bottles, et al., of Lemon Extract. Default decrees of condemnation and destruction. (F. & D. nos. 35278, 35382, 35414. Sample nos. 6009-B, 14073-B, 37043-B.)**

These cases involved shipments of lemon extract that contained isopropyl alcohol.

On or about March 22, 1935, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 221 bottles of lemon extract at Fort Monroe, Va. On or about April 19 and April 30, 1935, libels were filed against 117 bottles of lemon extract at Bragg, N. C., and 5 cartons of lemon extract at Atlanta, Ga. The libels charged that the article had been shipped in interstate commerce between the dates of February 11 and February 21, 1935, by the de Calais Laboratories, from New York, N. Y., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Calais Brand Pure Lemon Extract de Calais Laboratorie \* \* \* New York, N. Y."

The article was alleged to be adulterated in that a substance, isopropyl alcohol, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality, and had been substituted for lemon extract. Adulteration was alleged for the further reason that the article contained an added poisonous and deleterious ingredient, isopropyl alcohol, which might have rendered it injurious to health.

On May 25, July 13, and September 12, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24775. Adulteration of canned field peas. U. S. v. 32 Cases of Canned Field Peas. Default decree of condemnation and destruction. (F. & D. no. 35418. Sample no. 6015-B.)**

This case involved a shipment of canned field peas which were worm-infested and moldy.

On April 27, 1935, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 32 cases of canned field peas at Jacksonville, Fla., consigned by Crine Enterprise, Inc., alleging that the article had been transported in interstate commerce on or about August 14, 1934, from Cairo, Ga., into the State of Florida, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Crine's Quality Field Peas \* \* \* Packed by Crine Enterprises, Inc. Cairo, Ga."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On May 29, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24776. Adulteration of assorted jams and jellies. U. S. v. 54 Cases of Assorted Jams and Jellies. Consent decree of condemnation and destruction. (F. & D. no. 35421. Sample nos. 26216-B to 26223-B, incl.)**

These cases involved interstate shipments of assorted jams and jellies that contained lead in an amount that might have rendered them harmful to health.

On May 3, 1935, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 54 cases of assorted jams and jellies at Cheyenne, Wyo., alleging that the articles had been shipped in interstate commerce between the dates of February 16, 1934, and February 16, 1935, by the Pure Food Manufacturing Co., from Denver, Colo., and charging adulter-



ation in violation of the Food and Drugs Act. The articles were labeled in part: "Delicious Brand \* \* \* Jam [or "Jelly"] \* \* \* Packed by The Pure Food Mfg. Co. Denver, Colo."

The articles were alleged to be adulterated in that they contained an added poisonous and deleterious ingredient, lead, which might have rendered them injurious to health.

On May 9, 1935, the Pure Food Manufacturing Co. having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the products be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24777. Adulteration of canned huckleberries. U. S. v. 14 Cases and 29 Cases of Canned Huckleberries. Default decree of condemnation and destruction. (F. & D. nos. 35426, 35427. Sample nos. 12807-B, 12808-B.)**

This case involved canned huckleberries which were worm-infested.

On April 25, 1935, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 43 cases of canned huckleberries at Sacramento, Calif., alleging that the article had been shipped in interstate commerce on or about February 28, 1935, by the Puyallup & Sumner Fruit Growers Association, from Puyallup, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Charmed Land Brand [or "Fruitfull Brand"] Huckleberries \* \* \* Packed by Puyallup & Sumner Fruit Growers Ass'n., Puyallup, Wn."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On May 25, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24778. Adulteration of canned huckleberries. U. S. v. 45 Cases of Canned Huckleberries. Default decree of condemnation and destruction. (F. & D. no. 35428. Sample no. 12140-B.)**

This case involved canned huckleberries which were worm-infested.

On April 26, 1935, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 45 cases of canned huckleberries at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about March 1, 1935, by the Olympia Canning Co., from Olympia, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Olympia Brand Huckleberries \* \* \* Packed by Olympia Canning Co. Olympia, Wash."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On May 9, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24779. Adulteration of canned huckleberries. U. S. v. 11 Cases of Canned Huckleberries. Default decree of condemnation and destruction. (F. & D. no. 35429. Sample no. 20289-B.)**

This case involved a shipment of canned huckleberries which were worm-infested.

On April 26, 1935, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 cases of canned huckleberries at Salem, Oreg., alleging that the article had been shipped in interstate commerce on or about September 28 and September 29, 1934, by the Valley Fruit Canning Co., from Puyallup, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Heep Full Brand Huckleberries \* \* \* Packed by Valley Fruit Canning Co. Puyallup, Wash."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On June 25, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*



**24780. Adulteration of apples. U. S. v. 16 Baskets of Apples. Default decree of condemnation and destruction. (F. & D. no. 35439. Sample no. 20698-B.)**

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On April 8, 1935, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 baskets of apples at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about April 4, 1935, by Edward Dickinson, from Fancher, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Spies packed by Edward Dickinson, Fancher, N. Y."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts that might have rendered it harmful to health.

On May 14, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24781. Adulteration of apples. U. S. v. 64 Baskets of Apples. Default decree of condemnation and destruction. (F. & D. no. 35440. Sample no. 28583-B.)**

Examination of the apples involved in this case showed the presence of lead in an amount that might have rendered them injurious to health.

On April 9, 1935, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 64 baskets of apples at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about April 3, 1935, by Morgan & Linson Cold Storage Co., Inc., from Albion, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fairview Fruit Farms Albion NY USA Baldwin."

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On May 14, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24782. Adulteration of apples. U. S. v. 50 Baskets and 50 Baskets of Apples. Default decrees of condemnation and destruction. (F. & D. nos. 35449, 35450. Sample nos. 28736-B, 28739-B.)**

Examination of the apples involved in these cases showed the presence of lead in an amount that might have rendered them injurious to health.

On April 15, 1935, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 100 baskets of apples at Erie, Pa., alleging that the article had been shipped in interstate commerce on or about April 11, 1935, by the American Fruit Growers, from Lockport, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "C. Tompkins Lockport N. Y. Baldwin."

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On May 13, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24783. Adulteration of shrimp. U. S. v. 4 Barrels of Raw Shrimp. Default decree of condemnation and destruction. (F. & D. no. 35451. Sample no. 24374-B.)**

This case involved raw shrimp which was in part decomposed.

On April 15, 1935, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four barrels of raw shrimp at Philadelphia, Pa., alleging that the article had been shipped in

interstate commerce on or about April 15, 1935, by the Biloxi Shrimp Shippers Association, Inc., Biloxi, Miss. (shipped from Westwego, La.), and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Raw Shrimp—Biloxi Shrimp Shippers Association, Inc. \* \* \* Biloxi, Miss."

The article was alleged to be adulterated in that it consisted of a decomposed animal substance.

On May 6, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24784. Adulteration of frozen shrimp. U. S. v. 14 Boxes of Frozen Shrimp. Default decree of condemnation and destruction. (F. & D. no. 35452. Sample no. 28950-B.)**

This case involved an interstate shipment of frozen shrimp which was in part decomposed.

On April 9, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 boxes of frozen shrimp at Boston, Mass., consigned about July 25, 1934, alleging that the article had been shipped in interstate commerce by the Atlantic Coast Fisheries Co., from New York, N. Y., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance.

On May 27, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24785. Adulteration and misbranding of imitation lemon extract. U. S. v. 39 Dozen Bottles, et al. of Imitation Lemon Extract. Default decrees of condemnation and destruction. (F. & D. nos. 35453, 35475. Sample nos. 24297-B, 24383-B.)**

These cases involved a product sold as imitation lemon extract. Examination showed that it contained no lemon oil, one of the declared ingredients, and that it contained a small amount of citral and had a slight citral odor and slight lemon taste. A product correctly described as imitation lemon extract should contain an appreciable amount of citral or lemon oil, and should have a marked flavoring strength. The bottles containing a portion of the product were not labeled with a declaration of the quantity of the contents.

On May 1 and May 8, 1935, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 39 dozen bottles and 50 cartons, each containing 72 bottles of imitation lemon extract, at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce in part on or about February 4, 1935, by the National Co., from New York, N. Y., and in part on or about April 30, 1935, by the Drew Corporation, from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Certified Brand Imitation Lemon Extract Composed of Lemon Oil, Citrol, Alcohol, Water, Color Drew Corporation New York City, N. Y." A portion of the bottles were labeled "3 Fluid Ounces."

The article was alleged to be adulterated in that a substance consisting essentially of water, a small amount of alcohol and a yellow coal-tar dye had been substituted for imitation lemon extract, which the article purported to be, and for the further reason that it was colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement, "Imitation Lemon Extract Composed of Lemon Oil, Citrol, Alcohol, Water, Color", was false and misleading and tended to deceive and mislead the purchaser, since the product was an imitation lemon extract, and contained no lemon oil and but a trace of citral. Misbranding was alleged with respect to a portion of the article for the further reason that it was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents.

On May 18 and May 28, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*



**24786. Adulteration of butter. U. S. v. 99 Boxes and 3 Boxes of Butter. Decrees of condemnation. Portion of product released under bond; remainder destroyed.** (F. & D. nos. 35466, 35467. Sample nos. 36283-B, 36286-B.)

These cases involved a shipment of butter that contained mold.

On April 23 and April 24, 1935, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 102 boxes of butter, in part at Fall River, Mass., and in part at New Bedford, Mass., consigned April 15, 1935, alleging that the article had been shipped in interstate commerce by Armour Creameries, from Elk City, Okla., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Parchment wrapper) "Goldendale Creamery Butter Distributed by Armour Creameries."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance.

On May 16, 1935, Armour & Co., having appeared as claimant for the lot seized at Fall River, Mass., and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be disposed of in compliance with the requirements of the Federal Food and Drugs Act. On May 27, 1935, no claim having been entered for the remaining lot, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24787. Adulteration of tomato puree. U. S. v. 32 Cases of Tomato Puree. Default decree of condemnation and destruction.** (F. & D. no. 35470. Sample no. 24426-B.)

This case involved a shipment of tomato puree that contained excessive mold.

On May 7, 1935, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 32 cases of tomato puree at Coatesville, Pa., alleging that the article had been shipped in interstate commerce on or about September 21, 1934, by W. H. Neal & Sons, Inc., from Hurlock, Md., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Zo-Ray Brand Tomato Puree \* \* \* W. H. Neal & Sons, Inc. Hurlock, Md., Distributors."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On May 28, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24788. Adulteration of canned anchovies sprats. U. S. v. 344 Cans and 40 Cans of Anchovy Sprats. Default decrees of condemnation and destruction.** (F. & D. no. 35480. Sample no. 21983-B.)

This case involved imported anchovies sprats which were undergoing active bacterial spoilage.

On May 10, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 384 cans of anchovies sprats at New York, N. Y., alleging that the article had been shipped by A-B Hugo Hallgrens Konservfabriker, from Gothenburg, Sweden, arriving at the port of New York on or about October 15, 1934, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Bravo Swedish Anchovies Sprats A-B Hugo Hallgrens Konservfabriker Gothenburg, Sweden."

The article was alleged to be adulterated in that it consisted wholly or in part of decomposed animal substances.

On May 28, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*



**24789. Adulteration of canned spinach. U. S. v. 99 Cases, et al., of Canned Spinach. Default decree of condemnation and destruction.** (F. & D. no. 35502. Sample nos. 31879-B to 31882-B, incl.)

This case involved canned spinach which was found to contain worms, maggots, insects, and trash.

On May 15, 1935, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 379 cases of spinach at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about February 16 and February 26, 1935, by the Litteral Canning Co., from Fayetteville, Ark., and charging adulteration in violation of the Food and Drugs Act. The article was labeled, variously: "Sanders Brand [or "Faycano" or "Licano Brand"] Spinach \* \* \* Packed by Litteral Canning Co. Fayetteville, Ark."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On May 31, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24790. Adulteration of cream. U. S. v. One 5-Gallon Can of Cream. Consent decree of condemnation and destruction.** (F. & D. no. 35517. Sample no. 13992-B.)

On May 8, 1935, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one 5-gallon can of cream at Baltimore, Md., consigned by E. F. Baker, from Woodstock, Va., alleging that the article had been shipped in interstate commerce on or about May 6, 1935, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "E. F. Baker, Woodstock, Va."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On May 9, 1935, the consignee, the Chesapeake Creameries, Inc., having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24791. Adulteration of cream. U. S. v. One 10-Gallon Can of Cream. Consent decree of condemnation and destruction.** (F. & D. no. 35518. Sample no. 13993-B.)

On May 9, 1935, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one 10-gallon can of cream at Baltimore, Md., consigned by the Philomont Station of the Chesapeake Creameries, Inc., from Philomont, Va., alleging that the article had been shipped in interstate commerce on or about May 7, 1935, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On May 9, 1935, the Chesapeake Creameries, Inc., having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24792. Adulteration of apples. U. S. v. 20 Bushels of Apples. Default decree of condemnation and destruction.** (F. & D. no. 35519. Sample no. 28585-B.)

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On April 16, 1935, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 bushels of apples at Youngstown, Ohio, alleging that the article had been shipped in interstate commerce on or about April 10, 1935, by Lerch Cold Storage, Inc., from Lockport, N. Y., and charging adulteration in violation of the Food and Drugs

Act. The article was labeled in part: "Lerch Cold Storage Inc. Lockport N. Y. Wealthy."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, lead and arsenic, which might have rendered it harmful to health.

On April 27, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24793. Adulteration of tangerines. U. S. v. 37 Boxes of Tangerines. Default decree of condemnation and destruction. (F. & D. no. 35520. Sample no. 29334-B.)**

This case involved a shipment of tangerines which were damaged by drying.

On April 24, 1935, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 37 boxes of tangerines at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about April 17, 1935, by the Eustis Packing Co., from Eustis, Fla., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "American Beauty Brand."

The article was alleged to be adulterated in that citrus fruit damaged by drying had been substituted wholly or in part for edible citrus fruit, which the article purported to be. Adulteration was alleged for the further reason that a valuable constituent, juice, had been wholly or in part abstracted.

On May 15, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24794. Adulteration of peeled, boiled shrimp. U. S. v. 19 Cans of Shrimp. Consent decree of destruction. (F. & D. no. 35552. Sample no. 26315-B.)**

This case involved a shipment of peeled, boiled shrimp which was decomposed.

On May 1, 1935, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 cans of shrimp at Denver, Colo., consigned by the De Jean Packing Co., Biloxi, Miss., alleging that the article had been shipped in interstate commerce on or about April 11, 1935, from the State of Mississippi into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On May 7, 1935, the Seattle Fish & Poultry Market, Denver, Colo., the consignee, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24795. Adulteration of cream. U. S. v. Nine 5-Gallon Cans, et al., of Cream. Consent decree of destruction. (F. & D. no. 35553. Sample no. 35661-B.)**

On May 1, 1935, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine 5-gallon cans, three 10-gallon cans, and one 8-gallon can of cream at Trinidad, Colo., alleging that the article had been shipped in interstate commerce in part on or about April 26, 1935, and in part on or about April 27, 1935, in various shipments by A. D. Richards, from View, Tex.; W. E. Hall, from Childress, Tex.; Anna Miller, from Happy, Tex.; G. D. Neal, from Muleshoe, Tex.; V. H. Williams, from Seagraves, Tex.; L. W. Phillips, from Clinton, Okla.; Cleve Hooper, from Quanah, Tex.; Maud S. Murphy, from Belen, N. Mex.; E. L. Simpkins, from Vernon, Tex.; E. F. Campbell, from Liberal, Kans.; Walter Wall, from Snyder, Tex.; Raymond E. Varley, from Whitesboro, Tex.; and H. L. Lester, from Trent, Tex.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was putrid, filthy, rancid, and decomposed.

On May 1, 1935, the consignee, the Trinidad Creamery Co., having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*



**24796. Adulteration of cream. U. S. v. Two 5-Gallon Cans of Cream. Consent decree of destruction.** (F. & D. no. 35554. Sample no. 35662-B.)

On May 4, 1935, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two 5-gallon cans of cream at Trinidad, Colo., alleging that the article had been shipped in interstate commerce on or about April 27, 1935, in part by Fred Green, from Olney, Tex., and in part by R. B. Woody, from Snyder, Tex., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was filthy, putrid, and decomposed.

On May 4, 1935, the consignee, the Trinidad Creamery Co., having admitted the allegations of the libel, and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24797. Adulteration of butter. U. S. v. 13 Cases of Butter. Default decree of condemnation and destruction.** (F. & D. no. 35555. Sample no. 28498-B.)

This case involved an interstate shipment of butter that contained mold.

On April 26, 1935, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 cases of butter at Shreveport, La., alleging that the article had been shipped in interstate commerce on or about April 17, 1935, by Swift & Co., Ltd., from Paris, Tex., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Big Chain Golden Creamery Butter \* \* \* Mfd by Bordens Products Co Inc Fort Worth Texas."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed animal substance.

On June 17, 1935, no claim having been entered, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24798. Adulteration of Colora Da Olio De Oliva, and adulteration and misbranding of Olive-Concentrol. U. S. v. 12 Bottles of Colora Da Olio De Oliva, et al. Default decrees of condemnation and destruction.** (F. & D. nos. 35605, 35606, 35607. Sample nos. 26043-B to 26047-B incl.)

These cases involved coloring and flavoring substances. One of the products described as "Colora Da Olio De Oliva" contained an unpermitted coal-tar dye; a portion also contained excessive lead. The product described as "Olive-Concentrol" contained an unpermitted coal-tar dye and artificial flavor.

On June 5, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 24 bottles of Colora Da Olio De Oliva and 5 bottles of Olive-Concentrol at Boston, Mass., alleging that the articles had been shipped in interstate commerce in various shipments between the dates of October 27, 1934, and April 18, 1935, in part by the Drew Corporation from New York, N. Y., and in part by the National Co., from Brooklyn, N. Y., and charging adulteration of the former and adulteration and misbranding of the latter in violation of the Food and Drugs Act. The articles were labeled, variously: "Contents 1 Gallon National Brand Colora Da Olio De Oliva National Company \* \* \* Brooklyn, New York"; "1 Gallon Colora Da Olio De Oliva Drew's Quality Flavors Drew Corporation \* \* \* New York"; "Gustav Schraff Fabrik-Mainz Olive-Concentrol ½ Gallon Net."

The Colora Da Olio De Oliva was alleged to be adulterated in that it contained deleterious ingredients, namely, Quinizarine green lead having been found also in one of the lots, which might have rendered the product injurious to health. Adulteration of the Olive-Concentrol was alleged for the reason that it contained an added deleterious ingredient, Quinizarine green, which might have rendered it injurious to health, and in that an article that contained artificial flavor and artificial color had been substituted for olive-oil flavor which the article purported to be.

Misbranding of the Olive-Concentrol was alleged for the reason that the statement on the label, "Olive-Concentrol", was false and misleading and tended to deceive and mislead the purchaser.

On July 15, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*



**24799. Adulteration of tomato puree. U. S. v. 25 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 35329. Sample no. 26050-B.)**

This case involved a shipment of canned tomato puree that contained excessive mold.

On April 4, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cases of canned tomato puree at Lynn, Mass., alleging that the article had been shipped in interstate commerce on or about February 2, 1935, by the Oswego Preserving Co., from Holley, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Oswego Brand Tomato Puree \* \* \* Oswego Preserving Company Distributors Oswego, N. Y."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On May 27, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24800. Agash Refining Corporation v. William R. M. Wharton, et al. Suit in State court to restrain officials of the Department of Agriculture from initiating seizures under the Federal Food and Drugs Act of a product which had been shipped in interstate commerce. Motion for injunction pendente lite denied. Suit discontinued.**

On December 1, 1934, the Agash Refining Corporation, Brooklyn, N. Y., filed a complaint in the Supreme Court of the State of New York against William R. M. Wharton, Daniel M. Walsh, Cleon O. Dodge, A. E. Lowe, Daniel M. Walsh, Olaf Olsen, and J. A. Cummings, praying that the defendants be permanently enjoined from initiating seizures under the Federal Food and Drugs Act of edible oils shipped in interstate commerce by the plaintiff.

The complaint averred that complainant refined and marketed edible oils under its trade name "Italian Cook"; that the container was rendered distinctive by coloring and design and bore the words "Italian Cook Brand" and "Pure Vegetable Salad Oil"; that the edible oils so packaged consisted of cottonseed oil, sunflower oil, sesame oil, corn oil, or other similar edible oils, and were correctly described as "Pure Vegetable Salad Oil"; and that the defendants directly or indirectly had initiated seizure of the product on the charge that the label was misleading and that the product therefore misbranded.

The complaint further averred that the labeling was not misleading, but was properly descriptive; that acts of defendants had caused complainant great loss and threatened further loss and irreparable injury unless restrained; and prayed that the defendants be permanently enjoined from directly or indirectly initiating seizures of complainant's said product, and that a temporary injunction of like tenor and effect be granted.

On December 7, 1934, in answer to an order to show cause why the prayer of complainant should not be granted, the defendants with the exception of A. E. Lowe, who was not within the jurisdiction, replied in substance that they were officials of the United States Department of Agriculture whose duty it was to investigate foods and drugs shipped in interstate and foreign commerce, and to report to their superiors at Washington the results of such investigation; that in the opinion of defendants and that of their superiors at Washington, complainant's product was misbranded; that the actions complained of consisted of seizures in various district courts made at the request of the Secretary of Agriculture, and involved goods that had entered interstate commerce; and that the issues involved were determinable solely in the Federal district courts in which libel proceedings had been commenced.

On December 7, 1934, a motion for an injunction pendente lite came on for hearing, was argued and denied, the court delivering the following opinion:

(H. G. Wenzel, Jr., *Judge*): A motion having been made herein by the plaintiff above named for an injunction pendente lite restraining the defendants and others, among other things, from causing to be initiated proceedings against the plaintiff's merchandise, and the said motion having duly come on to be heard before this Court on December 7th, 1934, and it appearing that the defendants herein are in each instance officials of the Government of the United States in the Food and Drug Administration in the Department of Agriculture thereof, that the seizures heretofore made of the merchandise produced or sold by the plaintiff referred to in the complaint herein have been made in

jurisdictions outside the State of New York by officials of the United States, that all acts on the part of the defendants, or any of them, in connection with such seizures or in the steps taken leading thereto were done by them in the performance of their functions as such United States officials, and that all of the acts alleged to be contemplated by the defendants, or any of them, which it is sought to restrain herein will be, or may be, such as they are required to perform in the course of their duties as such officials, and it appearing that all of the merchandise, of which the seizures referred to in the complaint have been effected, was merchandise which before being seized had been transported in interstate commerce, and that all the seizures or acts on the part of the defendants herein, or any of them, which plaintiff seeks to restrain, are and will be performed only in respect to merchandise which shall have been transported in interstate commerce and has become subject to the jurisdiction of the United States,

And it further appearing, and being admitted in open Court by the attorney for the plaintiff herein that all of the seizures of merchandise heretofore made, of which the plaintiff complains, were preceded by the filing of libels and the issuance of process thereon in the District Courts of the United States in the respective Districts wherein such merchandise was then found and such seizures made, and that such seizures were made pursuant to such libels and process so that as to each of said seizures an issue has been judicially tendered by the libel pursuant to which the same was made, and that the District Courts in which such libels are filed have jurisdiction to determine the legality of the seizures so effected, and also to determine whether or not the merchandise so seized is misbranded within the meaning of the provisions of the United States Statutes forbidding misbranding, and there being no allegation that any different measures or acts of a different character are contemplated by the defendants, or any of them, and the Court being satisfied that it has no jurisdiction to grant the relief herein sought or any portion thereof,

Now, therefore, upon reading and filing the summons and verified complaint herein, the order to show cause dated December 1st, 1934, the affidavit of Chester Alan Gash verified December 1st, 1934, and upon all proceedings heretofore had herein, and after hearing J. Bertram Wegman, Esq., in support of said motion, and Leo J. Hickey, Esq., United States Attorney for the Eastern District of New York, by Vine H. Smith, Esq., Assistant United States Attorney, appearing specially herein to oppose this motion on the ground that this Court lacks jurisdiction to grant the relief sought, and due deliberation having been had, it is, upon motion of Leo J. Hickey, United States Attorney for the Eastern District of New York,

ORDERED, That the said motion be and the same hereby is denied on the ground that this Court has no jurisdiction to grant the relief sought herein.

On May 18, 1935, on motion of the United States attorney, the case was ordered discontinued without the assessment of costs against either plaintiff or defendants.

W. R. GREGG, *Acting Secretary of Agriculture.*





# NOTICES OF JUDGMENT 24701-24800

Anchovies sprats. *See* Fish.

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Lerch Cold Storage, Inc.	24792
Morgan & Linson Cold Storage Co., Inc.	24781
Tompkins, C.	24782

Beer. *See* Beverages and beverage bases.

Beverages and beverage bases:

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brandy:	
Cribari, B., & Sons, Inc.	24739
Grapesugar:	
Grapesugar, Ltd.	24706

*See also* Coffee.

Brandy. *See* Beverages and beverage bases.

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North East Preserving Works, Inc.	24772
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Stittville Canning Co.	24772

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Colora Da Olio De Oliva. *See* Oil, olive.

Cottonseed screenings. *See* Feed.

Crab meat. *See* Shellfish.

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McAllister, R. N.	24703
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Lester, H. L.	24795
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Phillips, L. W.	24795
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Southland Cotton Oil Co.	24705
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Cohn-Hopkins, Inc.	24734
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Seaboard Packing Corporation	24728
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Booth Fisheries Sardine Co.	24762
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Mason Ehreman & Co.	24747
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Newmark, M. A., & Co.	24746
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Puyallup & Sumner Fruit Growers Assoc.	24777
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Jelly:	
Cruikshank Bros. Co.	24709 ✓
Pure Food Manufacturing Co.	24776 ✓

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imitation:	
Drew Corporation	24785
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H. & W. Food Products Corporation	24707

<sup>1</sup> Contains an opinion of the court.

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Oil-Concentrol:		De Jean Packing Co-----	24794
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Drew Corporation-----	24798	Brocton Preserving Co-----	24733
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tion-----	24713	Helen Packing Corporation-----	24769
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N. J., F. D. 24801-24825

Issued May 1936

# United States Department of Agriculture

## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

24801-24825

[Approved by the Acting Secretary of Agriculture, Washington, D. C., April 23, 1936]

**24801. Adulteration of dried peaches and dried mixed fruit, and adulteration and misbranding of dried apples. U. S. v. California Prune & Apricot Growers Association. Plea of guilty. Fine, \$475. (F. & D. no. 31377. Sample nos. 166-A, 7133-A, 7134-A, 22815-A, 44480-A, 44481-A, 44490-A, 45371-A, 51622-A, 57321-A, 57322-A.)**

This case was based on shipments of dried peaches and dried mixed fruits which were in part moldy, insect-infested, dirty, or decayed, and a shipment of dried apples which contained excessive moisture.

On September 26, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the California Prune & Apricot Growers Association, a corporation, San Jose, Calif., alleging shipment by said company in violation of the Food and Drugs Act, on or about May 21, 1932, from the State of California into the State of Texas of a quantity of dried apples which were adulterated and misbranded, and on or about March 14, September 15, October 7, and November 10, 1933, from the State of California into the States of Alabama, Pennsylvania, New York, and Maryland, respectively, of quantities of dried peaches and dried mixed fruits which were adulterated. Portions of the articles were labeled in part: "Packed by California Prune & Apricot Growers Ass'n \* \* \* San Jose California." One lot of dried peaches was labeled in part: "Yellow Ribbon Brand Yellow Peaches \* \* \* California Peach & Fig Growers Assn Fresno, Calif."

The dried apples were alleged to be adulterated in that apples insufficiently evaporated had been substituted for dried apples which the article purported to be. Adulteration of the dried peaches and dried mixed fruit was alleged in that the articles consisted in part of filthy vegetable and animal substances.

Misbranding of the dried apples was alleged for the reason that the statement "Dried Apples", borne on the labels, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it did not consist of dried apples, i. e., evaporated apples, but consisted of insufficiently evaporated apples. Misbranding of the dried apples was alleged for the further reason that the article was offered for sale under the distinctive name of another article, namely, dried apples.

On September 28, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$475.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24802. Misbranding of canned black raspberries. U. S. v. Hunt Bros. Packing Co. Plea of guilty. Fine, \$250. (F. & D. no. 32100. Sample no. 32269-A.)**

Sample cans of black raspberries taken from the shipment involved in this case were found to contain less than 6 pounds 7 ounces, the amount declared on the label.



On January 22, 1935, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Hunt Bros. Packing Co., a corporation, trading at San Francisco, Calif., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about February 9, 1933, from the State of California into the State of New York of a quantity of canned black raspberries which were misbranded. The article was labeled in part: "White Top Black Raspberries Contents 6 Lbs. 7 Oz. R. C. Williams & Co. Inc. Distributors New York."

The article was alleged to be misbranded in that the statement "Contents 6 Lbs. 7 Oz.", borne on the label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the cans did not contain 6 pounds 7 ounces of the article, but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 18, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$250.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24803. Adulteration of butter. U. S. v. Alliance Creamery Co. Plea of nolo contendere. Fine, \$25 and costs. (F. & D. no. 32148. Sample no. 38575-A.)**

This case was based on a shipment of butter that was deficient in milk fat.

On August 10, 1934, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Alliance Creamery Co., a corporation, Alliance, Nebr., alleging shipment by said company in violation of the Food and Drugs Act on or about June 29, 1933, from the State of Nebraska into the State of California of a quantity of butter which was adulterated.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

On September 16, 1935, a plea of nolo contendere was entered on behalf of the defendant company and the court imposed a fine of \$25 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24804. Misbranding of canned boneless chicken. U. S. v. Elmwood Farm Co. Plea of nolo contendere. Fine, \$10. (F. & D. no. 32163. Sample no. 55507-A.)**

This case was based on an interstate shipment of canned boneless chicken which was short weight.

On August 11, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Elmwood Farm Co., a corporation, North Leominster, Mass., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about June 1, 1933, from the State of Massachusetts into the State of Pennsylvania of a quantity of canned boneless chicken which was misbranded. The article was labeled in part: (Jar) "Elmwood Farm Boneless Chicken Net Weight 11 Oz. Packed by Elmwood Farm Co. North Leominster, Mass."

The article was alleged to be misbranded in that the statement on the jar label, "Net Weight 11 Oz.", was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the jars did not each contain 11 ounces of the article but did contain less than 11 ounces. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement was incorrect, some of the packages containing not more than 9.84 ounces and the average net weight of all packages examined being not more than 10.13 ounces.

On July 15, 1935, a plea of nolo contendere was entered on behalf of the defendant company and the court imposed a fine of \$10.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24805. Adulteration of canned tomato sauce. U. S. v. 100 Cases of Canned Tomato Sauce. Decree of condemnation and destruction.** (F. & D. no. 32247. Sample no. 67257-A.)

This case involved canned tomato sauce that contained excessive mold.

On March 7, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cases of canned tomato sauce at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about January 13, 1934, by the Italian Food Products Co., from Long Beach, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "1888 Brand Tomato Sauce."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

The Italian Food Products Co. Inc., filed an appearance and claim for the product. On June 26, 1935, the time to answer having expired and no answer having been filed by the claimant, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24806. Adulteration of canned sardines. U. S. v. 78 Cases of Canned Sardines. Decree of condemnation and destruction.** (F. & D. no. 32447. Sample nos. 61594-A, 61595-A.)

This case involved a shipment of canned sardines which were in part decomposed.

On March 30, 1934, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 78 cases of canned sardines at Havre, Mont., alleging that the article had been shipped in interstate commerce on or about October 10, 1933, by the California Packing Corporation, from Alameda, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sun-Kist Brand \* \* \* California Sardines Tomato Sauce California Packing Corp. \* \* \* San Francisco, Calif."

The article was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On July 29, 1935, the California Packing Co., having appeared as claimant, the case came on for hearing before the court, judgment of condemnation was entered, and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24807. Alleged adulteration of canned tuna. U. S. v. 200 Cases of Canned Tuna. Tried to the court and a jury. Verdict for claimant. Judgment releasing goods and taxing costs against Government. Appeal by Government as to latter provision. Decree modified by striking provision of judgment taxing costs against Government.** (F. & D. no. 32552. Sample nos. 60762-A, 60765-A.)

On April 14, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 cases of canned tuna at Tacoma, Wash., alleging that the article had been shipped by the Dyson Shipping Co., on or about March 19, 1934, from San Francisco, Calif., into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Amocat Brand Tuna \* \* \* distributed by West Coast Grocery Company, Tacoma, Washington."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On April 4, 1935, the French Sardine Co., Inc., having appeared as claimant for the property, the case came on for trial before the court and a jury. Evidence, oral and documentary, having been introduced and arguments of counsel heard, the jury on April 9, 1935, returned a verdict for the claimant. On April 16, 1935, judgment was entered ordering that the product be surrendered to the claimant, and that costs be taxed against the Government. Appeal was taken to the provision of the judgment taxing costs against the Government. On December 2, 1935, the Circuit Court of Appeals for the Ninth Circuit handed down the following decision striking from the judgment the provision taxing costs against the Government:



**WILBUR, Circuit Judge:** This action was begun by a libel in rem against 200 Cases of Tuna which were alleged to be adulterated, as that term is defined in §8 par. 6, T. 21 USCA, being §7, par. 6, of the Food and Drug Act of June 30, 1906. The French Sardine Company appeared as owners thereof and denied the truth of the allegation contained in the libel. The issue of fact was submitted to a jury which returned a verdict in favor of the claimant. The court, in entering judgment denying condemnation, included costs amounting to \$141.38. The Government appeals from this judgment.

It is conceded on this appeal that judgment for costs does not lie against the United States unless specially authorized by statute. This well known and long established rule has been recently stated by the Supreme Court in *U. S. v. Worley*, 281 U. S. 339, 344, and by this court in *U. S. v. Knowles Est.*, 58 F. (2d) 718. The appellee, however, contends that §10 of the Food and Drug Act (34 Stat. 768, 771, 21 USCA §14), does contain such statutory authority in the last sentence thereof, which is as follows:

The proceedings of such libel cases shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any such case, and all such proceedings shall be at the suit of and in the name of the United States.

The appellee claims that as in an admiralty proceeding costs may be awarded against the United States (Suits in Admiralty Act, 41 Stat. 525-528; 46 USCA §§741-752; *John Shevan & Sons, Inc., v. U. S.*, 267 U. S. 86, 45 Sup. Ct. 238). It follows that the allowance of costs is proper in the case at bar because the allowance of costs is a part of "the proceeding in admiralty" which is to be conformed to in the proceedings upon a libel under the Food and Drug Act (§10), supra. The Supreme Court has not spoken on this exact question, but in the case of *443 Cans of Frozen Egg Product v. U. S.*, 226 U. S. 172, that court said: "We do not think it was intended to liken the proceedings to those in admiralty beyond the seizure of the property by process in rem, then giving the case the character of a law action, with trial by jury if demanded and with the review already obtaining in actions at law."

While the right to costs is ancillary to the judgment, it is a substantive right and not a mere matter of procedure. As stated in *Erwin v. U. S.*, 34 Fed. 470, "In its general acceptation 'proceeding' means the form in which actions are to be brought and defended, the manner of intervening in suits, of conducting them, the mode of deciding them, of opposing judgments and of executing. Ordinary proceedings intend the regular and usual mode of carrying on a suit by the due course of common law." *People v. White*, 14 How. Practice (N. Y.) 498.

The distinction between a right to costs and the procedure for the enforcement of that and other rights, is pointed out in *Fargo v. Helmer* (N. Y.), 43 Hun. 17, 19 (50 Sup. Ct. Rep. 17) where the court, quoting Judge Duer in *Rich v. Husson*, 1 Duer 617: "The rules by which proceedings are governed are rules of procedure; those by which rights are established and defined, rules of law. It is the law which gives the right to costs and fixes their amount. It is procedure which declares when and by whom the costs to which a party has a previous title shall be adjusted or taxed and when and by whose direction a judgment in his favor shall be entered." The right to costs is not a question of procedure but is a substantive right.

If the proper interpretation of §10 of the Food and Drug Act, supra, were a matter of doubt that doubt must be resolved in favor of the government. As stated by the Supreme Court in *Davis v. Corona Coal Co.*, 265 U. S. 222: "\* \* \* The United States should not be held to have waived any sovereign right or privilege, unless it was plainly so provided."

The decree is modified by striking therefrom the judgment for costs and as so modified is

Affirmed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24808. Adulteration of tomato puree. U. S. v. 8 Cases of Tomato Puree. Default decree of condemnation and destruction.** (F. & D. no. 32851. Sample no. 71634-A.)

This case involved a shipment of tomato puree that contained excessive mold.

On June 25, 1934, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight cases of tomato



puree at Rutland, Vt., consigned by Oswego Preserving Co., from Oswego, N. Y., on or about March 2, 1934, alleging that the article had been shipped in interstate commerce from the State of New York into the State of Vermont, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Oswego Brand Tomato Puree \* \* \* Oswego Preserving Co., Oswego, N. Y., Distributors."

The article was alleged to be adulterated in that it was in a partially decomposed condition.

On June 10, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24809. Adulteration and misbranding of butter. U. S. v. Sheridan Creamery Co. Plea of guilty. Fine, \$50. (F. & D. no. 32886. Sample no. 66772-A.)**

This case was based on an interstate shipment of butter that was deficient in milk fat.

On August 2, 1934, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sheridan Creamery Co., a corporation, Sheridan, Wyo., alleging shipment by said company in violation of the Food and Drugs Act on or about February 14, 1934, from the State of Wyoming into the State of Montana, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "San-I-Dairy Butter \* \* \* Distributed by the 'San-I-Dairy' Creameries of Wyoming and Montana Sheridan Creamery Company, Sheridan, Wyo., Owners."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as defined by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement "Butter", borne on the carton, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was butter as defined by law; whereas it contained less than 80 percent by weight of milk fat, the standard for butter defined by law.

On July 22, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$50.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24810. Adulteration of apples. U. S. v. Reginald A. Watson (R. A. Watson, Agent.) Tried to the court without a jury. Judgment of guilty. Fine, \$25. (F. & D. no. 32889. Sample no. 42526-A.)**

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On September 28, 1934, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Reginald A. Watson, trading as R. A. Watson, Agent, Valley City, Ill., alleging shipment by said defendant in violation of the Food and Drugs Act on or about September 21, 1933, from the State of Illinois into the State of Indiana, of a quantity of apples which were adulterated. The article was labeled in part: "Fancy Grimes Golden Packed by R. A. Watson-Morrison or Valley City, Ill."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, namely, arsenic and lead, in amounts that might have rendered it injurious to health.

On June 28, 1935, the defendant having entered a plea of not guilty, the case came on for trial before the court without a jury. Judgment was entered finding the defendant guilty and imposing a fine of \$25.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24811. Adulteration and misbranding of coffee. U. S. v. 9¼ Cases of Coffee. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 33087. Sample no. 76614-A.)**

This case involved a product which was adulterated and misbranded, since it was represented to be a superior high-grade coffee, whereas it contained approximately 10 percent of chicory.

On July 19, 1934, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 9¼ cases of coffee at Manteo, N. C., alleging that the article had been shipped in interstate commerce on or about June 7, 1934, by the James G. Gill Co., Inc., from Norfolk, Va., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Gill's Hotel Special \* \* \* The James G. Gill Co. Inc. Norfolk, Va."

The article was alleged to be adulterated in that a product containing about 10 percent of chicory had been substituted for coffee.

Misbranding was alleged for the reason that the statement "Gills Hotel Special Vacuum Packed Coffee \* \* \* to make good coffee use about one-fourth less of Hotel Special than other high grade Coffee", was misleading.

On June 4, 1935, the James G. Gill Co., Inc., claimant, having withdrawn its answer and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be properly relabeled.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24812. Adulteration of butter. U. S. v. 30 Tubs, et al., of Butter. Decrees of condemnation and sale.** (F. & D. nos. 33313, 33488, 33489. Sample nos. 4351-B, 4355-B, 4359-B, 4360-B.)

These cases involved butter which was found to contain filth.

On August 3, 13, and 16, 1934, the United States attorney for the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 298 tubs of butter at St. Louis, Mo., alleging that the article had been shipped in interstate commerce between the dates of June 13 and June 25, 1934, by the McLeansboro Creamery Co., from McLeansboro, Ill., and charging adulteration in violation of the Food and Drugs Act.

Adulteration was charged against portions of the article for the reason that it consisted wholly or in part of a filthy animal or vegetable substance. Adulteration was charged against the remainder of the product in that it contained filthy or foreign material.

On September 13 and 14, 1935, no claimant appearing, judgments of condemnation were entered and it was ordered that the product be denatured and sold for commercial purposes.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24813. Adulteration and misbranding of alleged olive oil. U. S. v. Thirty-three 1-Gallon Cans and Twenty-four ½-Gallon Cans of Alleged Olive Oil. Default decree of condemnation. Product ordered delivered to charitable institutions.** (F. & D. no. 33422. Sample nos. 6992-B, 6993-B.)

This case involved a product consisting largely of peanut oil, with some olive oil present, which was labeled to convey the impression that it was imported olive oil.

On September 8, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 57 gallon and half-gallon cans of alleged olive oil at Hartford, Conn., alleging that the article had been shipped in interstate commerce on or about August 7, 1934, by Joseph Petro, from Lynn, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Joseph Petro Brand."

The article was alleged to be adulterated in that peanut oil had been substituted in part for olive oil which the article purported to be.

Misbranding was alleged for the reason that the following statements appearing on the label, "Olivol \* \* \* Olio Puro Sopraffino \* \* \* Extra Quality Pure 'Olivol' This Superfine product is guaranteed absolutely pure and of the finest quality. Highly recommended for all general purposes for which olive oil is used. Cosmos Food Inc. Importers Lynn, Mass. U. S. A.", and the design of olive branches also appearing on the label, were misleading and tended to deceive and mislead the purchaser, since they represented that the product was imported olive oil, whereas it consisted largely of peanut oil mixed with some olive oil compounded and packed in the United States. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so.



On July 16, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be distributed to charitable institutions.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24814. Adulteration of canned shrimp. U. S. v. 719 Cases, et al., of Canned Shrimp. Decrees of condemnation and forfeiture. Product released under bond for segregation and destruction of decomposed portions.** (F. & D. nos. 33539, 33637, 33684. Sample nos. 4030-B, 4031-B, 14458-B, 14460-B, 14461-B.)

These cases involved interstate shipments of canned shrimp which was in part decomposed.

On September 24, October 8, and October 11, 1934, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,264 cases of canned shrimp at Boston, Mass., alleging that the article had been shipped in interstate commerce in various lots on or about September 6 and September 13, 1934, by the Braun Canning Co., Inc., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled, variously: "Honey Island Brand Shrimp \* \* \* Packed by Garner Packing Co. Inc. Gulfport, Mississippi"; "Braun's Fancy Shrimp \* \* \* Packed by Braun Canning Co. New Orleans, La."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On June 19 and 20, 1935, the Braun Canning Co., Inc., having appeared as claimant for the property and having admitted the allegations of the libel, judgments of condemnation were entered and it was ordered that the product be released under bond conditioned that the decomposed portions be segregated and destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24815. Misbranding of olive oil. U. S. v. Antonio Corrao (A. Corrao). Plea of guilty. Fine, \$100.** (F. & D. no. 33771. Sample no. 67412-A.)

This case was based on an interstate shipment of olive oil which was short volume.

On May 13, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Antonio Corrao, trading as A. Corrao, New York, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about February 1, 1934, from the State of New York into the State of New Jersey of a quantity of olive oil which was misbranded. The article was labeled in part: "One Gallon Net La Prosperita Brand Olio D'Oliiva \* \* \* D. Prospero Newark, N. J."

The article was alleged to be misbranded in that the statement on the can label, "One Gallon Net", was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the cans contained less than 1 gallon of the article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement was incorrect.

On July 22, 1935, the defendant entered a plea of guilty and the court imposed a fine of \$100.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24816. Adulteration and misbranding of butter. U. S. v. Finke Creamery Co. Plea of guilty. Fine, \$20 and costs.** (F. & D. no. 33774. Sample no. 66742-A.)

This case involved an interstate shipment of butter which was deficient in milk fat.

On October 19, 1934, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Finke Creamery Co., a corporation, Scottsbluff, Nebr., alleging shipment by said company in violation of the Food and Drugs Act, on or about February 1, 1934, from the State of Nebraska into the State of Wyoming of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "Scottsbluff Brand \* \* \* Made by Finke Creamery Co. Creamery Butter Sidney, Neb. Scottsbluff, Neb."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product



which must contain not less than 80 percent by weight of milk fat as defined by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement "Butter", borne on the label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was butter, as defined by law, whereas it was not butter as so defined, but was a product containing less than 80 percent by weight of milk fat.

On June 10, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$20 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24817. Adulteration of dried peaches and adulteration and misbranding of evaporated apples. U. S. v. Albert Asher (Albert Asher Co.). Plea of guilty. Fine, \$150. (F. & D. no. 33798. Sample nos. 23128-A, 23130-A, 47904-A.)**

This case was based on interstate shipments of a lot of dried peaches which were in part moldy, dirty, and insect-infested, and of a lot of evaporated apples which contained excessive moisture.

On October 17, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Albert Asher, trading as the Albert Asher Co., San Francisco, Calif., alleging shipment by said defendant in violation of the Food and Drugs Act on or about April 8, 1933, from the State of California into the State of Nevada of a quantity of dried peaches which were adulterated, and on or about May 5, 1934, from the State of California into the Territory of Hawaii of a quantity of evaporated apples which were adulterated and misbranded. The articles were labeled, respectively: "Tree Ripened Peaches California"; "Paradise Brand Extra Choice California Evaporated Apples Packed by Albert Asher Co San Francisco California."

The dried peaches were alleged to be adulterated in that they consisted in part of a filthy, decomposed vegetable substance and a filthy animal substance.

Adulteration of the evaporated apples was alleged for the reason that apples containing excessive moisture, that is, apples insufficiently evaporated, had been substituted for evaporated apples, which the article purported to be.

Misbranding of the evaporated apples was alleged for the reason that the statement "Evaporated Apples", borne on the label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it did not consist of evaporated apples, but consisted of insufficiently evaporated apples. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On May 20, 1935, a demurrer to the information, filed on behalf of the defendant, was argued and overruled. On September 28, 1935, a plea of guilty was entered and the court imposed a fine of \$150.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24818. Adulteration of evaporated apples. U. S. v. Gilbert Apple Products Co., Inc. Plea of guilty. Fine, \$200. (F. & D. no. 33817. Sample nos. 49104-A, 49405-A, 50527-A, 62103-A.)**

This case was based on interstate shipments of apples which were in part insect-infested and dirty.

On December 10, 1934, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Gilbert Apple Products Co., Inc., Rochester, N. Y., alleging shipment by said company in violation of the Food and Drugs Act on or about October 14, October 31, November 23, 1933, and January 2, 1934, from the State of New York into the States of Virginia, Ohio, and Georgia of quantities of evaporated apples which were adulterated. A portion of the article was labeled in part: "Bake-Rite Brand Evaporated Apples Packed by Gilbert Apple Products Co., Inc. Rochester, N. Y."

The article was alleged to be adulterated in that it consisted in part of filthy vegetable and animal substances.

On June 5, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$200.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24819. Misbranding of cottonseed cake and meal. U. S. v. Chickasha Cotton Oil Co. Plea of guilty. Fine, \$64 and costs.** (F. & D. no. 33865. Sample nos. 57534-A, 57535-A, 57536-A, 57538-A, 57542-A, 57543-A, 57548-A, 57549-A, 63707-A.)

This case was based on various shipments of cottonseed cake and meal, portions of which were short weight and the remainder of which was deficient in protein.

On February 6, 1935, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Chickasha Cotton Oil Co., a corporation, trading at Lawton, Hobart, and Altus, Okla., alleging shipment by said company in violation of the Food and Drugs Act as amended between the dates of October 28, 1933, and January 19, 1934, from the State of Oklahoma into the State of Kansas of quantities of cottonseed cake and meal which were misbranded.

The articles were labeled, variously: "Chickasha Cotton Oil Co. Chickasha, Oklahoma Manufacturers of Cotton Seed Products General Office:—Chickasha, Oklahoma Weight 100 Pounds Net"; "100 Pounds Net Chickasha Prime 43% Protein Cottonseed Cake or Meal \* \* \* Manufactured by or for Chickasha Cotton Oil Company Chickasha, Okla."; "Chickasha Quality 43% Protein Cottonseed Cake or Meal \* \* \* Protein, not less than 43% \* \* \* Manufactured by or for Chickasha Cotton Oil Company Chickasha, Okla."; "Weight 100 Pounds Net Chickasha Prime Cottonseed Cake or Meal \* \* \* Altus Cotton Oil Mill, Altus, Okla."

The information charged misbranding of certain shipments of the articles in that the statements "Weight 100 Pounds Net" or "100 Pounds Net", borne on the tags, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since each of a large number of the sacks examined from the said shipments contained less than 100 pounds of the article. Misbranding of the products in the said shipments was alleged for the further reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement was incorrect. Misbranding was alleged with respect to the products in the remaining shipments for the reason that the statements, "43% Protein" and "Guaranteed Analysis Protein, not less than 43%", borne on the tags, were false and misleading, and for the further reason that they were labeled so as to deceive and mislead the purchaser since they contained less than 43 percent of protein.

On July 17, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$64 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24820. Misbranding of cottonseed cake. U. S. v. Chickasha Cotton Oil Co. Plea of guilty. Fine, \$100 and costs.** (F. & D. no. 33868. Sample no. 65704-A.)

This case was based on an interstate shipment of cottonseed cake which was short weight.

On January 28, 1935, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Chickasha Cotton Oil Co., a corporation, trading at Chickasha, Okla., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about December 14, 1933, from the State of Oklahoma into the State of Kansas of a quantity of cottonseed cake which was misbranded. The article was labeled in part: "Weight 100 Pounds Net. Chickasha Quality Cottonseed Cake or Meal."

The article was alleged to be misbranded in that the statement, "Weight 100 Pounds Net", borne on the tag, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since each of a large number of the sacks examined contained less than 100 pounds of the article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement was incorrect.

On June 3, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$100 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*



**24821. Adulteration of evaporated peaches. U. S. v. Consolidated Packing Co. Plea of guilty. Fine, \$50. (F. & D. no. 33886. Sample no. 48209-A.)**

This case was based on an interstate shipment of evaporated peaches which were in part moldy, dirty, and worm-infested.

On January 4, 1935, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Consolidated Packing Co., a corporation, San Francisco, Calif., alleging shipment by said company in violation of the Food and Drugs Act, on or about March 3, 1934, from the State of California into the State of Washington of a quantity of evaporated peaches which were adulterated.

The article was alleged to be adulterated in that it consisted in part of a filthy vegetable and animal substance.

On September 28, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$50.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24822. Adulteration and misbranding of cream. U. S. v. Isadore Fine. Plea of guilty. Sentence suspended and defendant placed on probation for 3 years. (F. & D. no. 33888. Sample no. 7127-B.)**

This case involved an interstate shipment of alleged cream which was found to consist essentially of skimmed milk emulsified with a fat other than milk fat. The label of the product failed to bear a statement of the quantity of the contents.

On November 8, 1934, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Isadore Fine, Brooklyn, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about August 28, 1934, from the State of New York into the State of Massachusetts of a quantity of cream which was adulterated and misbranded.

The article was alleged to be adulterated in that a substance, namely, a fat other than milk fat had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength, and in that an imitation cream consisting essentially of skimmed milk emulsified with a fat other than milk fat had been substituted for cream which the article purported to be.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package. Misbranding was alleged for the further reason that the statement "Pasteurized Heavy Cream", borne on the can containing the article, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it was not pasteurized heavy cream, but was a product consisting essentially of skimmed milk emulsified with a fat other than milk fat. Misbranding was alleged for the further reason that the article was an imitation of another article, namely, cream.

On September 25, 1935, the defendant entered a plea of guilty and was placed on probation for 3 years under a suspended sentence.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24823. Misbranding of cherries. U. S. v. Chelsea Packing Co., Inc. Plea of guilty. Fine, \$100. (F. & D. no. 33896. Sample no. 38885-A.)**

This case involved a shipment of cherries which were short weight.

On April 29, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Chelsea Packing Co., Inc., having its principal place of business at Brooklyn, N. Y., alleging that on May 17, 1935, the defendant company sold and delivered to a purchaser in New York, N. Y., a quantity of cherries under a guaranty that the product complied with the Federal Food and Drugs Act; that the article so delivered and guaranteed was shipped by the purchaser on May 17, 1935, from the State of New York into the State of California; and that it was misbranded in violation of the Food and Drugs Act as amended. The article was contained in bottles labeled in part: "Falcon Brand \* \* \* Cherries \* \* \* Net Weight 2½ oz. Falcon Packing Co. Distributors New York."

The article was alleged to be misbranded in that the statement "Net Weight 2½ oz.", borne on the bottle label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser,



since the bottles did not each contain  $2\frac{1}{2}$  ounces of the article, but did contain less than  $2\frac{1}{2}$  ounces. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement was incorrect.

On July 8, 1935, a plea of guilty was entered on behalf of the defendant company, and on July 10 the court imposed a fine of \$100.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24824. Misbranding of cottonseed cake or meal. U. S. v. Chillicothe Cotton Oil Co. Plea of guilty. Fine, \$50. (F. & D. no. 33898. Sample no. 63712-A.)**

This case was based on an interstate shipment of cottonseed products that contained less protein than declared on the label.

On January 16, 1935, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Chillicothe Cotton Oil Co., a corporation, Chillicothe, Tex., alleging shipment by said company in violation of the Food and Drugs Act, on or about January 18, 1934, from the State of Texas into the State of Kansas of a quantity of cottonseed cake or meal which was misbranded. The article was labeled in part: "Cottonseed Cake or Meal Manufactured By Chillicothe Cotton Oil Co. Chillicothe, Texas. Guaranteed Analysis: Protein, Not less than 43.00%."

The article was alleged to be misbranded in that the statement, "Guaranteed Analysis: Protein, not less than 43.00%", borne on a tag attached to the sack containing the article, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it did not contain 43 percent of protein, but did contain a less amount.

On July 6, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$50.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24825. Adulteration of butter. U. S. v. Garst Bros. Dairy, Inc. Plea of guilty. Fine, \$25 and costs. (F. & D. no. 33934. Sample no. 6777-B.)**

This case was based on an interstate shipment of butter that contained less than 80 percent by weight of milk fat.

On February 25, 1935, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Garst Bros. Dairy, Inc., Roanoke, Va., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 1, 1934, from the State of Virginia into the State of New York of a quantity of butter which was adulterated.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

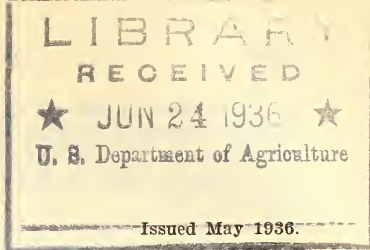
On July 1, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$25 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

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<sup>1</sup> Contains an opinion of the court.



# United States Department of Agriculture

## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

24826-24925

[Approved by the Acting Secretary of Agriculture, Washington, D. C., April 23, 1936]

**24826. Adulteration and misbranding of candies. U. S. v. John Merle (Merle Candy Co.). Plea of guilty. Fine, \$150. (F. & D. no. 28047. I. S. nos. 30593, 30594.)**

This case was based on shipments of candies which contained added acid, artificial color, artificial flavor, and but little, if any, real fruit or fruit juice.

On July 5, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John Merle, trading as the Merle Candy Co., New York, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act on or about May 21 and May 29, 1931, from the State of New York into the State of Massachusetts of quantities of candies which were adulterated and misbranded. A portion of the article was labeled: (Box) "Superior Hard Candy Specialties \* \* \* Bear S & M Brand The Merle Candy Co., Manufacturers, New York Pineapple"; (individual packages) Merle's Candy Pineapples." The remainder was labeled: (Box) "Merle's Pure Sugar Bear S & M Brand \* \* \* Pineapple Pops."

The articles were alleged to be adulterated in that added and undeclared acid, artificial color, and artificial flavor had been mixed and packed with the articles so as to reduce, lower, and injuriously affect their quality, and in that products deficient in pineapple juice or fruit and containing added undeclared acid, artificial flavor, and artificial color had been substituted for the articles. Adulteration was alleged for the further reason that the articles had been mixed and colored in a manner whereby damage and inferiority were concealed.

Misbranding was alleged for the reason that the statements, "Pure Sugar \* \* \* Candies Made From The Best Ingredients Obtainable \* \* \* The House of Quality \* \* \* Superior \* \* \* Candy \* \* \* Pineapple" and "Candy Pineapples", with respect to one lot, and the statements, "Pure Sugar \* \* \* The House of Quality Pineapple Pops Made From The Best Ingredients Obtainable \* \* \* Superior \* \* \* Candy \* \* \* Pineapple", with respect to the remaining lot, were false and misleading and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since the said statements represented that they were pure sugar candies made of the best ingredients obtainable, naturally colored and flavored with fruit or juice of the pineapple; whereas they were not of the best and superior quality, were not made from the best ingredients obtainable, were not naturally colored, and were not flavored with the fruit or juice of the pineapple, but were inferior products containing undeclared acid, artificial color, and artificial flavor and containing very little, if any, pineapple fruit or juice. Mis-



branding was alleged for the further reason that the articles were imitations of other articles and were offered for sale under the distinctive names of other articles, namely, pineapple candies.

On June 18, 1935, the defendant entered a plea of guilty and the court imposed a fine of \$150.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24827. Adulteration of dried peaches. U. S. v. Guggenlime & Co. Plea of guilty. Fine, \$50. (F. & D. no. 29481. I. S. no. 296.)**

This case was based on an interstate shipment of dried peaches which were in part insect-infested, moldy, dirty, or decayed.

On April 14, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Guggenlime & Co., a corporation, trading at San Francisco, Calif., alleging shipment by said company in violation of the Food and Drugs Act, on or about November 21, 1931, from the State of California into the State of South Carolina of a quantity of dried peaches which were adulterated. The article was labeled in part: "Madrone Brand California Peaches \* \* \* Guggenlime & Company California."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On May 20, 1935, a demurrer and a motion for a bill of particulars filed on behalf of the defendant company were argued and overruled. On September 28, 1935, a plea of guilty was entered and the court imposed a fine of \$50.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24828. Adulteration of dried black grapes and dried prunes. U. S. v. California Packing Corporation. Plea of guilty. Fine, \$200. (F. & D. no. 29512. I. S. nos. 20275, 22022, 32705, 43324.)**

This case was based on interstate shipments of dried black grapes and dried prunes which were in part insect-infested, moldy, dirty, or decayed.

On April 14, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the California Packing Corporation trading at San Francisco, Calif., alleging shipment by said company in violation of the Food and Drugs Act on or about March 18, 1931, from the State of California into the State of New York of a quantity of dried prunes, and on or about February 17, 1932, from the State of California into the State of Pennsylvania of a quantity of dried black grapes which were adulterated. The articles were labeled in part: "Winner Brand Dried Black Grapes [or "Slab Prunes"] Western Fruit Packing Co. San Francisco, Calif."

The articles were alleged to be adulterated in that they consisted in whole or in part of filthy, decomposed, and putrid vegetable substances.

On August 3, 1933, the defendant company filed a demurrer and a motion for a bill of particulars, which were overruled on May 20, 1935. On September 28, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$200.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24829. Adulteration of dried black grapes. U. S. v. Albert Asher (Albert Asher Co.). Plea of guilty. Fine, \$200. (F. & D. no. 29522. Sample no. 216-A.)**

This case was based on a shipment of dried black grapes which were in part insect-infested and moldy.

On April 14, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Albert Asher, trading as the Albert Asher Co., San Francisco, Calif., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about May 4, 1932, from the State of California into the State of Oregon of a quantity of dried black grapes which were adulterated.

The article was alleged to be adulterated in that it consisted in part of filthy, decomposed, and putrid vegetable and animal substances.

On May 20, 1935, a demurrer and a motion for a bill of particulars filed by the defendant were overruled. On September 28, 1935, a plea of guilty was entered and the court imposed a fine of \$200.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24830. Adulteration of canned tomato puree. U. S. v. Haxton Canning Co., Inc. Plea of guilty. Fine, \$25 on each of two counts; fine suspended as to one count. (F. & D. no. 30147. Sample nos. 5987-A, 5993-A to 5997-A, incl.)**

This case was based on interstate shipments of canned tomato puree which contained excessive mold.

On July 31, 1933, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Haxton Canning Co., Inc., Oakfield, N. Y., alleging shipment by said company in violation of the Food and Drugs Act on or about March 10 and June 4, 1932, from the State of New York into the State of Ohio of quantities of canned tomato puree which was adulterated. The article was labeled, variously: "Jack Frost Brand Tomato Puree \* \* \* The Colter Co. Distributors Cincinnati, O."; "Tip-Toe Brand Fancy Tomato Puree \* \* \* Distributed by The Janszen Company Cincinnati, Ohio."; "Empire State Brand \* \* \* Tomato Puree Packed by Stittville Canning Co. Principal Office Utica, N. Y."; "Haxton Brand Fancy Tomato Puree \* \* \* Packed by Haxton Canning Co. Inc. Principal Offices, Oakfield, N. Y."; "Dandy Line Brand Tomato Puree \* \* \* The Colter Co. Distributors Cincinnati, O."

The article was alleged to be adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On June 4, 1935, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25 on each of two counts, and ordered that payment of fine be suspended on one of them.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24831. Adulteration of canned shrimp. U. S. v. 72 Cases of Canned Shrimp. Default decree of condemnation and destruction. (F. & D. no. 30757. Sample no. 39806-A.)**

This case involved an interstate shipment of canned shrimp which was in part decomposed.

On July 22, 1933, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 72 cases of canned shrimp at White River Junction, Hartford, Vt., consigned by Gulf Foods, Inc., from Biloxi, Miss., in two shipments on or about June 21 and June 27, 1933, alleging that the article had been shipped in interstate commerce from the State of Mississippi into the State of Vermont and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Green Mountain Brand \* \* \* Fresh Shrimp."

The article was alleged to be adulterated in that it was in a decomposed condition.

On June 10, 1935, the sole intervenor having abandoned its claim for the property, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24832. Misbranding of canned tuna. U. S. v. 19 Cases of Canned Tuna. Default decree of forfeiture. Product delivered to charitable institution. (F. & D. no. 30772. Sample no. 39805-A.)**

This case was based on an interstate shipment of a product consisting largely of yellow-fin tuna, which was labeled to convey the impression that it was white meat tuna.

On July 26, 1933, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 cases of canned tuna at St. Johnsbury, Vt., alleging that the article had been shipped in interstate commerce on or about June 5, 1933, by the Stewart Curtis Packers, Inc., from Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "White Chicken Brand Tuna 'Just Like Chicken' \* \* \* Packed by Stewart Curtis Packers, Inc. \* \* \* Los Angeles, U. S. A."

The article was alleged to be misbranded in that the statement on the label, "White Chicken Tuna", was false and misleading and deceived and misled the purchaser.

On June 10, 1935, no claimant having appeared, judgment of forfeiture was entered and it was ordered that the product be delivered to some veteran's hospital or other Government agency.

W. R. GREGG, *Acting Secretary of Agriculture.*



**24833. Adulteration of butter. U. S. v. Cecil Harris, Vernon Fox, Lee Hentzen, and Gustav E. Fischer (Hi-Quality Dairy Products Co.). Pleas of guilty. Fines, \$100. (F. & D. no. 33935. Sample no. 70765-A.)**

This case involved a shipment of butter that contained less than 80 percent by weight of milk fat.

On April 5, 1935, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Cecil Harris, Vernon Fox, Lee Hentzen, and Gustav E. Fischer, copartners trading as the Hi-Quality Dairy Products Co., Kansas City, Mo., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about June 23, 1934, from the State of Missouri into the State of New York of a quantity of butter that was adulterated.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

On June 24, 1935, the defendants entered pleas of guilty and the court imposed fines in the total amount of \$100.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24834. Adulteration of butter. U. S. v. Gordon Cooperative Creamery Co. Plea of nolo contendere. Fine, \$25 and costs. (F. & D. no. 33936. Sample no. 6466-B.)**

This case was based on an interstate shipment of butter that contained less than 80 percent by weight of milk fat.

On February 15, 1935, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Gordon Cooperative Creamery Co., a corporation, Gordon, Nebr., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 4, 1934, from the State of Nebraska into the State of New York of a quantity of butter which was adulterated.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

On September 16, 1935, a plea of nolo contendere was entered on behalf of the defendant company and the court imposed a fine of \$25 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24835. Misbranding of rye middlings. U. S. v. Eagle Roller Mill Co. Plea of guilty. Fine, \$25. (F. & D. no. 33937. Sample no. 68562-A.)**

This case was based on an interstate shipment of feed which was represented to consist of rye middlings, but which consisted in part of screenings or scourings or both screenings and scourings.

On June 11, 1935, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Eagle Roller Mill Co., a corporation, New Ulm, Minn., alleging shipment by said company in violation of the Food and Drugs Act, on or about March 26, 1934, from the State of Minnesota into the State of Maryland, of a quantity of alleged rye middlings which were misbranded. The article was labeled in part: "Rye Middlings."

The article was alleged to be misbranded in that the statement "Rye Middlings", borne on the tag attached to the sack containing the article, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it was not rye middlings, but was rye middlings and screenings and/or scourings. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On June 11, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$25.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24836. Adulteration of confectionery. U. S. v. William Horowitz (W. Horowitz, F. Herbert, Frank Herbert). Plea of guilty. Fines, \$50 on each of 16 counts. Sentence suspended on all counts but the first. (F. & D. no. 33940. Sample nos. 46130-A, 46131-A, 57992-A, 57993-A, 57994-A, 6709-B to 6722-B, incl.)**

This case was based on interstate shipments of confectionery that contained alcohol.



On May 13, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William Horowitz, trading under the aliases, W. Horwitz, F. Herbert, and Frank Herbert, New York, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act between the dates of November 28, 1933, and January 4, 1934, from the State of New York into the States of Illinois, Massachusetts, and Maryland of quantities of confectionery which was adulterated. The article was labeled in part: "Mlle Modiste" or "Palais Royal Confiserie Moderne."

The article was alleged to be adulterated in that it contained spirituous liquor.

On June 10, 1935, the defendant entered a plea of guilty and the court imposed a fine of \$50 on each of the 16 counts of the information. Fines were suspended on all counts but the first.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24837. Adulteration and misbranding of ginger ale and ginger ale sirup. U. S. v. Buffalo Rock Co. Plea of guilty. Fine, \$50. (F. & D. no. 33951. Sample nos. 61894-A, 11551-B.)**

This case was based on interstate shipments of ginger ale sirup and ginger ale that contained added caffeine.

On April 6, 1935, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Buffalo Rock Co., a corporation, Birmingham, Ala., alleging shipment by said company in violation of the Food and Drugs Act on or about January 23 and July 14, 1934, from the State of Alabama into the State of Mississippi of quantities of ginger ale sirup and ginger ale, which were adulterated and misbranded. The articles were labeled in part: "Buffalo Rock Ginger Ale Syrup [or "Buffalo Rock Pale Ginger Ale"] \* \* \* Buffalo Rock Company Birmingham, Alabama."

The articles were alleged to be adulterated in that caffeine had been substituted in part for the articles.

Misbranding was alleged for the reason that the unqualified statement, "Ginger Ale Syrup", with respect to the sirup, and the statement "Ginger Ale", unqualified by any word other than "Pale" and "Extra Dry" with respect to the ginger ale, borne on the labels, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since the said statements represented that they consisted solely of ginger ale sirup or ginger ale; whereas they did not so consist, but did consist in part of caffeine.

On August 9, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$50.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24838. Misbranding of canned pears and canned black raspberries. U. S. v. Olympia Canning Co. Plea of guilty. Fine, \$30 and costs. (F. & D. no. 33969. Sample nos. 66582-A, 66735-A, 66755-A, 67796-A.)**

This case was based on interstate shipments of canned pears and canned black raspberries which were short weight.

On April 27, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Olympia Canning Co., a corporation, Olympia, Wash., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about July 16, 1932, from the State of Washington into the State of Colorado of a quantity of canned black raspberries which were misbranded, and on or about November 6, 1933, and February 23, 1934, from the State of Washington into the States of Wyoming and New York, respectively, of quantities of canned pears which were misbranded. The articles were labeled, variously: "Yellowstone Brand Bartlett Pears Contents 1 lb. 14 oz. Packed for Paxton and Gallagher Co., Omaha"; "Solitaire Black Raspberries \* \* \* Net Weight 1 lb. 5 ozs. 595 Grams The Morey Mercantile Company Distributors Denver, Colorado"; "Jes-so Bartlett Pears Contents 1 lb. 14 oz. \* \* \* Distributed by Sweet Life Food Corp. New York."

The articles were alleged to be misbranded in that the statement, "Contents 1 lb. 14 oz.", with respect to the canned pears, and the statement, "Net Weight 1 lb. 5 ozs.", with respect to the canned black raspberries, borne on the labels, were false and misleading, and for the further reason that the articles

were labeled so as to deceive and mislead the purchaser, since the cans contained less than so declared. Misbranding was alleged for the further reason that the articles were foods in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement was incorrect.

On May 17, 1935, a plea of guilty was entered on behalf of the defendant company and on June 1, 1935, the court imposed a fine of \$30 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24839. Adulteration and misbranding of butter. U. S. v. Carthage Creamery Co. Plea of nolo contendere. Fine, \$100. (F. & D. no. 33980. Sample nos. 5217-B, 6260-B.)**

This case was based on interstate shipments of butter that contained less than 80 percent of milk fat.

On April 17, 1935, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Carthage Creamery Co., a corporation, Carthage, Mo., alleging shipment by said company in violation of the Food and Drugs Act on or about July 9, 1934, from the State of Missouri into the State of Florida, and on or about July 11, 1934, from the State of Missouri into the State of Massachusetts, of quantities of butter which was adulterated and misbranded. A portion of the article was labeled in part: "Creamery Butter Pasteurized Distributors Wilson & Co. \* \* \* Chicago, Ill." The remainder was labeled in part: "Riverdale \* \* \* Brand Creamery Butter \* \* \* Packed for John Morrell & Co. General Offices Ottumwa, Iowa."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement "Butter", borne on the labels, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was butter, namely, a product containing not less than 80 percent by weight of milk fat; whereas it was not butter, since it contained less than 80 percent by weight of milk fat.

On June 10, 1935, a plea of nolo contendere was entered on behalf of the defendant company and the court imposed a fine of \$100.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24840. Misbranding of butter. U. S. v. Cloverleaf Butter Co. Plea of guilty. Fine, \$25. (F. & D. no. 33984. Sample nos. 61944-A, 61945-A.)**

This case involved a shipment of butter that was short weight.

On April 26, 1935, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Cloverleaf Butter Co., a corporation, Birmingham, Ala., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about January 31, 1934, from the State of Alabama into the State of Louisiana of a quantity of butter which was misbranded. A portion of the article was labeled: (Carton) "Process Butter One Pound Net \* \* \* Manufactured by Cloverleaf Butter Company"; (wrapper) "Net Weight 4 oz. When Packed." The remainder of the article was labeled: "Process Butter 1 Lb. Net Weight Cloverleaf Creamery Co. Birmingham, Ala."

The article was alleged to be misbranded in that the statements, "One Pound Net", "Net Weight 4 oz.", and "1 Lb. Net Weight", borne on the labels, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the cartons and rolls did not contain 1 pound of the article, but did contain less than 1 pound, and the prints did not contain 4 ounces of the article, but did contain less than 4 ounces. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statements were incorrect.

On July 16, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$25.

W. R. GREGG, *Acting Secretary of Agriculture.*



**24841. Adulteration of apples. U. S. v. H. Rouw Co. Plea of guilty. Fine, \$50. (F. & D. no. 34004. Sample nos. 10176-B, 10177-B.)**

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On April 29, 1935, the United States attorney for the District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the H. Rouw Co., a corporation, Fayetteville, Ark., alleging shipment by said company in violation of the Food and Drugs Act on or about October 22 and October 27, 1934, from the State of Arkansas into the State of Texas of quantities of apples which were adulterated.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On June 17, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$50.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24842. Adulteration of frozen eggs. U. S. v. Omaha Cold Storage Co. Plea of guilty. Fine, \$25 and costs. (F. & D. no. 34032. Sample nos. 210-B, 218-B.)**

This case was based on an interstate shipment of frozen eggs which were in part decomposed.

On June 22, 1935, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Omaha Cold Storage Co., a corporation, Omaha, Nebr., alleging shipment by said company in violation of the Food and Drugs Act on or about May 23, 1934, from the State of Nebraska into the State of Colorado of a quantity of frozen eggs that were adulterated.

The article was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On July 22, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$25 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24843. Adulteration and misbranding of butter. U. S. v. Borden's Produce Co., Inc. (Kirschbraun Division). Plea of guilty. Fine, \$25 and costs. (F. & D. no. 34045. Sample no. 2440-B.)**

This case was based on an interstate shipment of butter which was deficient in milk fat, and a part of which contained fragments of insects, rodent hairs, and nondescript debris.

On June 22, 1935, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Borden's Produce Co., Inc., (Kirschbraun Division), trading at Omaha, Nebr., alleging shipment by said company in violation of the Foods and Drugs Act on or about August 8, 1934, from the State of Nebraska into the State of Michigan of a quantity of butter which was adulterated and misbranded.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat, as defined by the act of Congress of March 4, 1923, which the article purported to be. Adulteration was alleged with respect to a portion of the article for the further reason that it consisted in whole or in part of a filthy animal substance.

Misbranding was alleged for the reason that the statement "Butter", borne on the case containing the article, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was butter, a product which must contain not less than 80 percent by weight of milk fat; whereas it was not butter, since it contained less than 80 percent by weight of milk fat.

On July 16, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$25 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*



**24844. Adulteration and misbranding of butter. U. S. v. The Southern Butter Co. Plea of guilty. Fine, \$100. (F. & D. no. 34046. Sample no. 2441-B.)**

This case was based on an interstate shipment of butter that was deficient in milk fat and short weight.

On June 21, 1935, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Southern Butter Co., a corporation, Muskogee, Okla., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about August 13, 1934, from the State of Oklahoma into the State of Michigan, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: (Carton) "Butter 30 Lbs. Net Wt. Rolls 1 lb. Country Roll"; (parchment wrapper) "1 Lb. Net Weight When Packed."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat, as defined by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Butter 30 Lbs. Net Wt. Rolls 1 Lb. Country Roll" and "1 Lb. Net Weight", borne on the labeling, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statements represented that the article was butter, a product which must contain not less than 80 percent by weight of milk fat; that each carton contained 30 pounds of the said article; that each package contained 1 pound net of the said article; whereas it was not butter, since it contained less than 80 percent by weight of milk fat; each carton did not contain 30 pounds of butter, but did contain a less amount; and each package did not contain 1 pound net of butter, but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statements made were incorrect.

On August 5, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$100.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24845. Adulteration and misbranding of butter. U. S. v. Rufus Niemi (Central Illinois Creamery). Plea of guilty. Penalty, \$50. (F. & D. no. 34047. Sample no. 4410-B.)**

This case was based on an interstate shipment of butter that was deficient in milk fat and that was not labeled to indicate the quantity of the contents.

On July 22, 1935, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Rufus Niemi, trading as the Central Illinois Creamery at Nokomis, Ill., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about May 30, June 5, and June 29, 1934, from the State of Illinois into the State of Missouri of a quantity of butter which was adulterated and misbranded.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents of the package was not plainly and conspicuously marked on the outside of the package.

On August 16, 1935, the defendant entered a plea of guilty and the court imposed a penalty of \$50 in lieu of fine and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24846. Adulteration of canned sardines. U. S. v. Coast Fishing Co. Plea of guilty. Fine, \$150. (F. & D. no. 34049. Sample nos. 29586-A, 29587-A, 29592-A, 29593-A, 38383-A.)**

This case was based on interstate shipments of several lots of canned sardines which were in part decomposed.

On June 27, 1935, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Coast Fishing Co., a corporation, Wilmington, Calif., alleging that on or about February 23, 1934, the defendant company delivered to the Franco-Italian Packing Co., Inc., quantities of canned

sardines under a guaranty that the product conformed with the requirements of the Federal Food and Drugs Act; that the Franco-Italian Packing Co., Inc., sold and delivered the said canned sardines to Haas, Baruch & Co., Los Angeles, Calif., under a like guaranty; that the said canned sardines were shipped in interstate commerce from the State of California into the State of Arizona by Haas, Baruch & Co., on or about April 2 and April 6, 1934; that the product was adulterated in violation of the Food and Drugs Act; and that the defendant, the Coast Fishing Co., because of its guaranty to the Franco-Italian Packing Co., Inc., and the guaranty of the latter company to the shipper of the goods, was amenable to prosecution for violation of the Food and Drugs Act. The article was labeled in part: "Quail Brand Sardines \* \* \* Haas, Baruch & Co. Los Angeles, Calif. Distributors."

The article was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On July 15, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$150.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24847. Misbranding of canned peaches. U. S. v. G. H. Wetterau & Sons Grocer Co., and Otto Wetterau. Pleas of guilty. Fines, \$103. (F. & D. no. 34056. Sample nos. 4402-B, 4404-B.)**

This case was based on interstate shipments of canned peaches which fell below the standard for canned peaches established by this Department, because of the presence of excessively blemished or trimmed fruit, and deficiency of sugar in the liquid portion, and which were not labeled to indicate that they were substandard.

On September 17, 1935, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against G. H. Wetterau & Sons Grocer Co., a corporation, and Otto Wetterau, St. Louis, Mo., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about April 21 and May 9, 1934, from the State of Missouri into the State of Illinois of quantities of canned peaches which were misbranded. A portion of the article was labeled in part: "Freedom Standard Yellow Cling Peaches \* \* \* G. H. Wetterau & Sons Grocer Co., St. Louis, Mo. \* \* \* Distributors." The remainder was labeled in part: "Freedom Brand Sliced Yellow Cling Peaches."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since in one lot the liquid portion read less than 14° Brix the permitted minimum, due to insufficient sugar, 90 percent of the solid units, namely, the halves of the fruit, were not unbroken, and 80 percent were not unblemished; and in the other lot the liquid portion read less than 14° Brix, the solid units were not uniform in size, some of the units weighed less than one-twelfth of an ounce, the permitted minimum, and were blemished in excess of the tolerance; and the package did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that the article fell below such standard. Misbranding was alleged with respect to the product in one shipment for the further reason that the statement "Standard", borne on the can label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was peaches which conformed to the United States standard; whereas it did not conform to such standard.

On September 21, 1935, pleas of guilty were entered by the defendants and the court imposed a fine of \$100 against Wetterau & Sons Grocer Co., and \$3 against Otto Wetterau.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24848. Adulteration and misbranding of butter. U. S. v. Pella Produce Co., Inc. Plea of guilty. Fine, \$40 and costs. (F. & D. no. 34066. Sample nos. 2001-B, 2002-B, 2217-B, 2222-B, 2223-B.)**

This case was based on interstate shipments of butter which contained less than 80 percent of milk fat. Samples taken from certain lots were found to contain ants, mold, a fly leg, hairs, feather fragments, and miscellaneous dirt.

On July 20, 1935, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Pella Produce Co. Inc., trading as the Pella Creamery at Pella, Iowa, alleging shipment by said company in violation of



the Food and Drugs Act on or about August 2, August 8, and August 16, 1934, from the State of Iowa into the State of Illinois of quantities of butter which was adulterated and misbranded. The article was labeled, variously: "Sunlight Creamery Butter [or "Sunlight Country Roll Butter" or "Daisy Maid Brand Country Roll Butter"] The Cudahy Packing Co. Distributors."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be. Adulteration was alleged with respect to portions of the article for the further reason that it consisted in whole or in part of a filthy animal substance.

Misbranding of the product was alleged for the reason that the statement "Butter", borne on the label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was butter, a product which should contain not less than 80 percent by weight of milk fat; whereas it was not butter, since it contained less than 80 percent by weight of milk fat.

On September 14, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$40.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24849. Adulteration of apples. U. S. v. E. O. Muir & Co. Plea of guilty. Fine, \$25. (F. & D. no. 34073. Sample nos. 442-B, 443-B.)**

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On July 27, 1935, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against E. O. Muir & Co., a corporation, Salt Lake City, Utah, alleging shipment by said company in violation of the Food and Drugs Act on or about September 15, 1934, from the State of Utah into the State of California of a quantity of apples that were adulterated. The article was labeled in part: "Page Orchards Jonathan Apples \* \* \* Payson Utah."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, in amounts that might have rendered it injurious to health.

On August 31, 1935, a plea of guilty having been entered on behalf of the defendant company, the court imposed a fine of \$25.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24850. Adulteration of apples. U. S. v. Sterling H. Nelson Co. Plea of guilty. Fine, \$25. (F. & D. no. 34074. Sample nos. 15310-B, 15312-B.)**

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On July 27, 1935, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sterling H. Nelson Co., a corporation, Salt Lake City, Utah, alleging shipment by said company in violation of the Food and Drugs Act on or about October 4, 1934, from the State of Utah into the State of California of a quantity of apples which were adulterated. The article was labeled in part: "Rome Beauty [or "Delicious"] Washed & Packed By Sterling H. Nelson Co. Salt Lake City, Utah."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, in amounts that might have rendered it injurious to health.

On August 31, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$25.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24851. Adulteration of frozen eggs. U. S. v. The Selby Poultry Co. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 34086. Sample no. 7392-B.)**

This case involved an interstate shipment of frozen eggs which were in part decomposed.

On July 16, 1935, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Selby Poultry Co., a corporation, Webster City, Iowa, alleging shipment by said company in violation of the Food and



Drugs Act, on or about August 3, 1934, from the State of Iowa into the State of New York of a quantity of frozen eggs which were adulterated.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On September 10, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$50 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24852. Adulteration of canned shrimp. U. S. v. 99 Cases and 149 Cases of Canned Shrimp. Consent decree of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. & D. nos. 34168, 34169. Sample nos. 17068-B, 17069-B.)**

These cases involved canned shrimp which was in part decomposed.

On October 25, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 248 cases of canned shrimp at Hoboken, N. J., alleging that the article had been shipped in interstate commerce in part on or about September 8, 1934, by the Berwick Bay Canneries, Inc., from Berwick, La., and in part on or about September 20, 1934, by Jas. A. Smith, from Fernandina, Fla., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "American House Wet Shrimp \* \* \* American Grocery Company Distributors Hoboken, N. J."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On August 24, 1935, the two cases having been consolidated and the American Grocery Co., claimant, having admitted the allegations of the libels and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the decomposed portion be segregated and destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24853. Misbranding of salad oil. U. S. v. 8 Cases of Salad Oil. Default decree of condemnation. (F. & D. no. 34333. Sample no. 4528-B.)**

This case involved a shipment of salad oil consisting essentially of cottonseed oil artificially colored and flavored to simulate the color and flavor of olive oil, and labeled to convey the impression that it was olive oil of foreign origin.

On November 9, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of eight cases of salad oil at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about September 15, 1934, by the Trieste Importing Co., Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Paradise Brand Superior Quality Oil."

The article was alleged to be misbranded in that the designation, "Marca Paradise Qualita Superiore Olio", the statements, "Composto di ottanta cinque per cento d'altri olii vegetali, quindici per cento d'olio d'oliva vergine coll'aggiunta di essenze innocue e coloranti", and "Marca Paradiso Indicato Per Salse, Frittute, Insalate E Qualsiasi Altro Uso Di Tavola E Cucina", together with the design of olive branches bearing leaves and flowers, and the design of the shield of Italy, borne on the label were misleading and tended to deceive and mislead the purchaser as applied to an imitation olive oil. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so, and for the further reason that it was an imitation of another article, namely, olive oil, and was not plainly and conspicuously labeled as an imitation.

On September 4, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be disposed of in such manner as would not violate the provisions of the Federal Food and Drugs Act.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24854. Adulteration of canned shrimp. U. S. v. 46 and 69 Cases of Canned Shrimp. Default decree of condemnation and destruction. (F. & D. no. 34572. Sample nos. 21249-B, 21250-B.)**

This case involved an interstate shipment of canned shrimp which was in part decomposed.

On December 18, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 115 cases of canned shrimp at Elizabeth, N. J., alleging that the article had been shipped in interstate commerce on or about October 11 and October 15, 1934, by the Kuluz Bros. Packing Co., of Biloxi, Miss., from Mobile, Ala., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Favorite Quality [or "Herseh's Best Brand"] Wet Shrimp \* \* \* L. F. Herseh & Brother Distributors Elizabeth, N. J."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On July 13, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24855. Adulteration of canned peaches. U. S. v. 206 Cases of Canned Peaches. Default decree of condemnation and destruction. (F. & D. nos. 34742, 34743. Sample nos. 18849-B, 18850-B.)**

This case involved an interstate shipment of canned peaches which were in part wormy and worm-eaten.

On January 10, 1935, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 206 cases of canned peaches at Nashville, Tenn., alleging that the article had been shipped in interstate commerce on or about July 21, 1934, by Roberts Bros., Inc., from Americus, Ga., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Indian Hunter Brand Peaches \* \* \* Packed in Georgia Distributed by Roberts Bros. Inc. Main Office: Baltimore, Md."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On September 11, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24856. Adulteration and misbranding of dried apples. U. S. v. 67 Sacks of Dried Apples. Default decree of condemnation and destruction. (F. & D. no. 35028. Sample no. 2847-B.)**

This case involved an interstate shipment of dried apples which were insect-infested and filthy and which were not labeled to show the quantity of the contents.

On January 26, 1935, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 67 sacks of dried apples at Nashville, Tenn., alleging that the article had been shipped in interstate commerce on or about October 15, 1934, and January 1, 1935, by the E. E. Eller Produce Co., from North Wilkesboro, N. C., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 11, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24857. Adulteration of canned shrimp. U. S. v. 66½ Cases of Canned Shrimp. Consent decree of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. & D. no. 35035. Sample nos. 11095-B, 20057-B.)**

This case involved a shipment of canned shrimp which was in part decomposed.

On January 30, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 66½ cases of canned shrimp at Tacoma, Wash., alleging that the article had been shipped in inter-



state commerce on or about September 11, 1934, by the J. H. Pelham Co., of Pascagoula, Miss., from Mobile, Ala., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sea-Fresh Brand Shrimp \* \* \* Packed by The J. H. Pelham Co. Pascagoula, Miss."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On September 25, 1935, the J. H. Pelham Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the decomposed portion be segregated and destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24858. Adulteration of cream. U. S. v. One 10-Gallon Can, et al., of Cream. Decrees of condemnation and destruction.** (F. & D. nos. 35170 to 35177, incl. Sample nos. 3560-B, 3563-B, 3564-B, 3566-B, 3800-B, 3856-B, 3861-B, 22734-B.)

These cases involved cream which was filthy or decomposed or both filthy and decomposed.

On or about October 31, November 6, and November 16, 1934, the United States attorney for the Northern District of Iowa, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of sixteen 10-gallon cans and one 5-gallon can of cream at Sioux City, Iowa, alleging that the article had been shipped in interstate commerce between the dates of October 25 and November 4, 1934, in various shipments by E. Ritzer, Scotland, S. Dak.; Farmers Produce Co., Wakonda, S. Dak.; T. M. Boese, Tyndall, S. Dak.; Geo. P. Comer, Rushville, Nebr.; K. M. Dunmire, Scotland, S. Dak.; Wm. F. Kumm, Osmond, Nebr.; Ben Betterman, Paxton, S. Dak.; Ben Diterman, Paxton, S. Dak.; Lloyd H. Libolt, Newport, Nebr.; Vermilion Produce Co., Vermilion, S. Dak.; Sidney Smith, Elk Point, S. Dak.; E. H. Zorr, Salem, S. Dak.; Elmer Hinsthe, Wakefield, Nebr.; B. P. Chusman, McLean, Nebr., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was moldy and decomposed, certain lots being also filthy and putrid.

On May 1, 1935, Swift & Co., Sioux City, Iowa, the consignee, having admitted the allegations of the libels, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24859. Misbranding of vanilla extract. U. S. v. 5 Cases of Vanilla Extract. Default decree of condemnation and destruction.** (F. & D. no. 35247. Sample no. 28982-B.)

This case involved an interstate shipment of vanilla extract which was misbranded because the bottle contained less than the amount declared on the label and the quantity of contents statement was inconspicuous.

On March 11, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five cases of vanilla extract at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about January 26, 1935, by the Morrow Extract Corporation, from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Bottle and carton) "Morrow's Pure Extract Vanilla \* \* \* Prepared by Morrow Extract Corp. New York, N. Y."; (carton flap) "Morrow's Vanilla 2½ Fl. Ozs."

The article was alleged to be misbranded in that the statement on the carton flap, "2½ Fl. Ozs.", was false and misleading and tended to deceive and mislead the purchaser, since the bottles contained less than the declared volume. Misbranding was alleged for the further reason that the article was food in package form and failed to bear a plain and conspicuous statement of the quantity of contents, since the statement on the carton flap was incorrect and did not appear in a plain and conspicuous position on the label, and since the bottle label bore no statement of the quantity of the contents at all.

On June 10, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*



**24860. Adulteration of tomato pulp. U. S. v. 6,000 Cans of Tomato Pulp.**  
**Default decree of condemnation and destruction.** (F. & D. no. 35275.  
 Sample no. 31821-B.)

This case involved a shipment of tomato pulp that contained excessive mold.

On March 20, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 6,000 cans of tomato pulp at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about October 11, 1934, by the Gaston Canning Co., from Gaston, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fancy Heavy Tomato Pulp \* \* \* Gaston Canning Company, Gaston, Ind."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On July 29, 1935, the case having been called for final disposition and the Gaston Canning Co., the sole intervenor, having failed to answer or plead, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24861. Misbranding of canned tomatoes. U. S. v. 161 Cases of Canned Tomatoes.**  
**Default decree of condemnation and destruction.** (F. & D. no. 35277. Sample no. 27298-B.)

This case involved a shipment of canned tomatoes which fell below the standard established by this Department because it was slack-filled, and which was not labeled to indicate that it was substandard.

On March 20, 1935, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 161 cases of canned tomatoes at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about January 29, 1935, by J. S. Mitchell, from Windfall, Ind., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Little Sport Brand Tomatoes \* \* \* Distributed by John S. Mitchell, Inc., Windfall, Ind."

The article was alleged to be misbranded in that it was canned food and fell below the standard of fill of container promulgated by the Secretary of Agriculture because of excessive headspace, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On September 6, 1935, no claimant having appeared, judgment was entered finding the product misbranded and ordering that it be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24862. Misbranding of meat and bone. U. S. v. 25 Bags of Meat and Bone.**  
**Default decree of condemnation and sale.** (F. & D. no. 35286. Sample no. 9552-B.)

This case involved a shipment of meat and bone which contained less than 50 percent of protein, the amount declared on the label.

On or about March 22, 1935, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 bags of meat and bone at Lexington, Va., alleging that the article had been shipped in interstate commerce on or about November 16, 1934, by the Mutual Rendering Co., Inc., from Philadelphia, Pa., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Mureco meat and bone guaranteed analysis protein 50%."

The article was alleged to be misbranded in that the statement above quoted appearing in the labeling was false and misleading and deceived and misled the purchaser, since the article was labeled to indicate that it contained 50 percent of protein; whereas it contained 46.35 percent of protein.

On June 4, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be sold.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24863. Adulteration of dried pears. U. S. v. 140 Cases of Dried Pears.**  
**Consent decree of condemnation. Product released under bond.** (F. & D. no. 35312. Sample nos. 13023-B, 21941-B.)

This case involved a shipment of dried pears which were in part dirty and worm-infested.

On March 30, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 140 cases of dried pears at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 15, 1935, by the California Packing Corporation, from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On June 20, 1935, the California Packing Corporation, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that the decomposed portion be segregated and destroyed or denatured.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24864. Adulteration and misbranding of canned apricots. U. S. v. 18 Cases of Canned Apricots. Default decree of condemnation and destruction. (F. & D. no. 35342. Sample no. 20047-B.)**

This case involved an interstate shipment of canned apricots which fell below the standard established by this Department, and which were not labeled to indicate that they were substandard. The product also had a strong metallic flavor which rendered it inedible.

On April 8, 1935, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 cases of canned apricots at Ontario, Oreg., alleging that on or about December 20, 1934, the Idaho Canning Co. sold, shipped, and consigned the article from Payette, Idaho, via truck of the Ontario Grocery Co., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Seven Devils Brand Apricots A Pure Food Product \* \* \* Packed by Idaho Canning Co. Payette, Idaho."

The article was alleged to be adulterated in that a substance having a strong metallic flavor rendering it inedible had been substituted for edible canned apricots.

Misbranding was alleged for the reason that the statement "A pure food product", borne on the label, was false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since it was not normal and uniform in size or in unbroken halves, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On June 25, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24865. Adulteration of tomato pulp. U. S. v. 31 Cases of Tomato Pulp. Default decree of condemnation and destruction. (F. & D. no. 35345. Sample no. 11507-B.)**

This case involved an interstate shipment of tomato pulp that contained excessive mold.

On April 5, 1935, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 31 cases of tomato pulp at Houston, Tex., alleging that the article had been shipped in interstate commerce, on or about February 8, 1935, by A. W. Sisk & Son, from Baltimore, Md., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Zo Ray Brand Tomato Pulp \* \* \* W. H. Neal and Sons Inc. Hurlock Md Distributors."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On June 29, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*



**24866. Adulteration of tomato puree. U. S. v. 6,054 Cans of Tomato Puree. Decree of condemnation and destruction. (F. & D. no. 35362. Sample no. 29322-B.)**

This case involved a shipment of tomato puree that contained excessive mold.

On April 13, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 6,054 cans of tomato puree at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 22, 1934, by the Lake Odessa Canning Co., from Lake Odessa, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On July 29, 1935, no answer having been filed by the sole claimant, the Lake Odessa Canning Co., judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24867. Adulteration of olives. U. S. v. 10 Barrels of Olives. Default decree of condemnation and destruction. (F. & D. no. 35363. Sample no. 12719-B.)**

This case involved a shipment of olives which were in part decomposed.

On April 19, 1935, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 barrels of olives at Schenectady, N. Y., alleging that the article had been shipped in interstate commerce on or about March 12, 1934, by C. Pappas, from Boston, Mass., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On June 3, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24868. Misbranding of canned cherries. U. S. v. 375 Cases of Canned Cherries. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 35364. Sample nos. 13069-B, 13090-B, 26493-B.)**

This case involved an interstate shipment of canned cherries which fell below the standard established by this Department because of the presence of excessive pits, and which were not labeled to indicate that they were substandard.

On April 9, 1935, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 375 cases of canned cherries at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about March 1, 1935, by the Puyallup & Sumner Fruit Growers Association, from Tacoma, Wash., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Mountain Home Brand water pack red sour pitted cherries \* \* \* Haas Brothers, San Francisco, Oakland, Fresno, Cal. distributors."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture because of excessive pits, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On June 7, 1935, the Puyallup & Sumner Fruit Growers Association, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24869. Adulteration and misbranding of ground marjoram. U. S. v. 1 Package and 1 Drum of Ground Marjoram. Default decree of condemnation and destruction. (F. & D. no. 35386. Sample nos. 21648-B, 21649-B.)**

This case involved an interstate shipment of ground marjoram which contained an excessive amount of earthy material.

On April 15, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court



a libel praying seizure and condemnation of one package and one drum of ground marjoram at Jersey City, N. J., alleging that the article had been shipped in interstate commerce in part on or about March 14, 1935, and in part on or about March 27, 1935, by B. Fischer & Co., Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Package) "Ground Marjoram"; (drum) "Fischer Mills Pure Marjoram."

The article was alleged to be adulterated in that earthy material had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality, and had been substituted in part for the article.

Misbranding was alleged for the reason that the statements, "Marjoram" and "Pure Marjoram", appearing on the respective labels, were false and misleading and tended to deceive and mislead the purchaser, when applied to an article containing earthy material. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, namely, marjoram.

On July 13, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24870. Adulteration of olives. U. S. v. 8 Barrels, et al., of Olives. Default decree of condemnation and destruction.** (F. & D. no. 35388. Sample no. 13058-B.)

This case involved an interstate shipment of olives which were in large part moldy or fermented.

On April 15, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight full barrels and one partly filled barrel of Greek-style olives at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about February 26, 1935, by the California Olive Oil Manufacturing Co., from Stockton, Calif., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On August 29, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24871. Adulteration of olives. U. S. v. 15 Barrels of Olives. Default decree of condemnation and destruction.** (F. & D. no. 35396. Sample no. 12951-B.)

This case involved an interstate shipment of olives which were in large part moldy.

On April 17, 1935, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 barrels of olives at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about March 13, 1935, by the V. R. Smith Olive Co., from Lindsay, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Medium Greeks \* \* \* From V. R. Smith Olive Company Lindsay, California."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On August 29, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24872. Adulteration of butter. U. S. v. 46 Cases, et al., of Butter. Default decrees of condemnation and destruction.** (F. & D. nos. 35407, 35408. Sample nos. 22638-B, 22639-B, 22640-B, 28493-B.)

These cases involved shipments of butter, samples of which were found to contain mold, hairs, parts of insects, and other extraneous matter.

On April 11 and April 15, 1935, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 141 cases of butter at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about April 4, 1935, by Swift & Co., from Fort Worth, Tex.,

and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Cresta Creamery Butter Distributed by Swift & Company \* \* \* Chicago."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed animal substance.

On July 15, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24873. Adulteration of anchovies sprats. U. S. v. 494 Cans of Anchovies Sprats. Default decree of condemnation and destruction. (F. & D. no. 35416. Sample no. 21980-B.)**

This case involved imported anchovies sprats which were found to be undergoing active bacterial spoilage.

On April 24, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 494 cans of anchovies sprats at New York, N. Y., alleging that the article had been shipped by Sillkungen's Konservfabriker, from Gothenburg, Sweden, on or about October 16, 1934, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Made in Sweden Sillkungen's Swedish Original Anchovies Sprats \* \* \* Sillkungen's Konservfabriker Skärhamn, Sweden."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed or putrid animal substance.

On June 26, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24874. Adulteration of tomato paste. U. S. v. 1,159 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. & D. no. 35423. Sample no. 31818-B.)**

This case involved an interstate shipment of tomato paste that contained worm and insect debris.

On May 4, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,159 cases of tomato paste at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 27, 1934, by the F. E. Booth Co., from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On September 5, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24875. Adulteration of anchovies sprats. U. S. v. 6 Cartons and 831 Cans of Anchovies Sprats. Default decrees of condemnation and destruction. (F. & D. nos. 35435, 35457. Sample nos 21981-B, 21982-B.)**

These cases involved imported Swedish anchovies sprats which were found to be undergoing active decomposition.

On April 29 and May 4, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 6 cartons and 831 cans of anchovies sprats at New York, N. Y., alleging that the article had been shipped by Aktiebolaget Corners Konservfabrik, from Lysekil, Sweden, arriving at the port of New York on or about November 23, 1934, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Swedish Anchovies Sprats \* \* \* A B [or "Aktiebolaget"] Corners Konservfabrik, Lysekil, Sweden."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed or putrid animal substance.

On July 17, 1935, no claimant having appeared, judgments of condemnation were entered. On July 27, 1935, the decrees were amended to provide that the product be destroyed in the presence of the collector of customs.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24876. Adulteration of tomato puree. U. S. v. 54½ Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 35446. Sample no. 24185-B.)**

This case involved an interstate shipment of tomato puree that contained excessive mold.

On April 30, 1935, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 54½ cases of tomato puree at Harrisburg, Pa., alleging that the article had been shipped in interstate commerce on or about September 10 and November 19, 1934, by W. H. Neal & Sons, Hurlock, Md., through A. W. Sisk & Son (broker), Preston, Md., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Zo-Ray Brand Tomato Puree \* \* \* W. H. Neal & Sons, Inc. Hurlock, Md. Distributors."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On June 5, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24877. Adulteration and misbranding of tomato catsup. U. S. v. 35 Cases of Catsup. Default decree of condemnation and destruction. (F. & D. no. 35454. Sample no. 33000-B.)**

This case involved an interstate shipment of tomato catsup that was adulterated because of the presence of worm and insect debris, and was misbranded because it was labeled to convey the impression that it was made by a firm other than the real manufacturer.

On May 1, 1935, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35 cases of catsup at Omaha, Nebr., alleging that the article had been shipped in interstate commerce on or about October 12, 1934, by the Smith Canning Co., Inc., from Clearfield, Utah, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Grandmas Favorite Brand Tomato Catsup Horacek and Sons Co Omaha Neb."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

Misbranding was alleged for the reason that the statement on the label, "Horacek and Sons Co Omaha, Neb.," was misleading and tended to deceive and mislead the purchaser, since it implied that Horacek & Sons Co. was the manufacturer, whereas the Smith Canning Co. Inc., of Clearfield, Utah, was the manufacturer.

On July 31, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24878. Adulteration of concentrated strained tomatoes. U. S. v. 51 Cases of Concentrated Strained Tomatoes. Default decree of condemnation and destruction. (F. & D. no. 35459. Sample no. 36279-B.)**

This case involved an interstate shipment of concentrated strained tomatoes that contained excessive mold.

On May 4, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 51 cases of concentrated strained tomatoes at Fall River, Mass., alleging that the article had been shipped in interstate commerce on or about September 15, 1934, by W. H. Neal & Son Co., from Hurlock, Md., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Hurlock Brand Concentrated Strained Tomatoes \* \* \* Packed by W. H. Neal & Son Co., Hurlock, Md."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On July 1, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*



**24879. Adulteration of butter. U. S. v. 33 Cases, et al., of Butter. Decree of condemnation and destruction. (F. & D. no. 35463. Sample no. 28123-B.)**

This case involved a shipment of butter which contained mold and other extraneous matter.

On April 20, 1935, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 49 cases of butter at National Stock Yards, Ill., alleging that the article had been shipped in interstate commerce on or about April 11, 1935, by Armour Creameries, from Elk City, Okla., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Armour's Quality Cloverbloom full cream butter."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On September 10, 1935, Armour & Co., the sole intervenor, having withdrawn its claim and answer, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24880. Adulteration of dried peaches. U. S. v. 145 Boxes of Dried Peaches. Default decree of condemnation. (F. & D. no. 35474. Sample no. 27722-B.)**

This case involved a shipment of dried peaches which were in part insect-fested, decayed, or otherwise filthy and decomposed.

On May 8, 1935, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 145 boxes of dried peaches at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about December 11, 1934, by the California Prune & Apricot Growers Association, from San Jose, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Yellow Ribbon Brand Peaches Packed by California Prune & Apricot Growers Ass'n, San Jose, Calif."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On July 24, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be disposed of in such manner as would not violate the provisions of the Federal Food and Drugs Act.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24881. Adulteration of dried red peppers. U. S. v. 116 Baskets of Dried Red Peppers. Default decree of condemnation and destruction. (F. & D. no. 35477. Sample no. 33112-B.)**

This case involved an interstate shipment of dried red peppers which were in part moldy.

On May 8, 1935, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 116 baskets of dried red peppers at Omaha, Nebr., alleging that the article had been shipped in interstate commerce on or about December 17, 1934, by R. Gerber & Co., from Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On July 31, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24882. Adulteration of grapefruit. U. S. v. 900 Half Bags of Grapefruit. Default decree of condemnation and destruction. (F. & D. no. 35625. Sample no. 26166-B.)**

This case involved grapefruit which was in part decomposed and damaged by drying.

On April 24, 1935, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 900 half bags of grapefruit at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce

April 10, 1935, by F. N. Hicks, Inc., from Winter Garden, Fla., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance, in that citrus fruit damaged by drying had been substituted wholly or in part for edible citrus fruit, which the article purported to be; and in that a valuable constituent, juice, had been wholly or in part extracted.

On May 22, 1935, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24883. Adulteration of crab meat. U. S. v. 47 Cans, et al., of Crab Meat. Default decrees of condemnation and destruction.** (F. & D. nos. 35779, 35782, 35783, 35784, 35806, 35808, 36257. Sample nos. 39725-B, 39726-B, 39727-B, 39730-B, 39733-B, 39734-B, 39903-B.)

These cases involved crab meat that contained filth.

On July 6, 1935, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 54 cans of crab meat at Baltimore, Md. On July 8, July 12, and July 19, 1935, libels were filed against 2½ barrels of crab meat at New York, N. Y., one hundred and nineteen 1-pound cans of crab meat at Philadelphia, Pa., and 49 cans of crab meat at Washington, D. C. The libels charged that the article had been shipped in interstate commerce between the dates of July 3 and July 10, 1935, by Amory & Holloway, in part from Old Point Comfort, Va., and in part from Hampton, Va., and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On July 25, August 7, August 16, September 3, and September 11, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24884. Adulteration of crab meat. U. S. v. Thirty-five 1-Pound Cans of Crab Meat. Default decree of condemnation.** (F. & D. no. 35781. Sample no. 27774-B.)

This case involved crab meat that was contaminated with filth and was in part decomposed.

On July 5, 1935, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court in the District of Columbia, holding a district court, a libel praying seizure and condemnation of thirty-five 1-pound cans of crab meat at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about July 3, 1935, by the Winstead-Bloxom-Jones Co., Inc., from Old Point Comfort, Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy animal substance.

On September 3, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be disposed of in such manner as would not violate the Federal Food and Drugs Act.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24885. Adulteration of cream. U. S. v. Sixteen 5-Gallon Cans, et al., of Cream. Decrees of condemnation and destruction.** (F. & D. nos. 35804, 35848, 35850, 35851, 35852, 35854 to 35859 incl., 36173. Sample nos. 28617-B, 28619-B, 28620-B, 28621-B, 28622-B, 28625-B, 37428-B, 37429-B, 37431-B, 37432-B, 37433-B, 37435-B.)

These cases involved cream which was filthy or decomposed or both filthy and decomposed.

Between the dates of July 11 and July 25, 1935, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of one hundred and forty-six 5 gallon and 10-gallon cans of cream at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce between the dates of July 10 and July 23, 1935, in various shipments by B. H. Butterbaugh, Hancock, W. Va.; Herman Richard, Hancock, W. Va.; L. R.



Mason, Brunswick, Md.; Warren Wiley, Clarington, W. Va.; Mrs. Elias Tenant, Blacksville, W. Va.; John Vinsickle, Selbysport, Md.; H. Steerman, Belington, W. Va.; Lloyd England, Phillippi, W. Va.; Wm. Umbell, Friendsville, Md.; Ollie Ritchie, Dallas, W. Va.; E. J. Marsh, Brown, W. Va.; C. E. Johnson, Montrose, W. Va.; Hilda Earliwine, Seatonville, W. Va.; Roy Boyles, Midway, W. Va.; E. D. Baker, Elkins, W. Va.; Roy Wilson, Westonsville, W. Va.; Bliss Haller, Newburg, W. Va.; Ira A. Robinson, Shinnston, W. Va.; M. S. Lake, Hancock, W. Va.; Blanche Plessinger, Hancock, W. Va.; R. E. Davis, DeKalb, W. Va.; Newton Kuable, Hancock, W. Va.; Mrs. E. D. Akers, Hancock, W. Va.; Wm. F. Hixon, Hancock, W. Va.; Bly McGuffie, Littleton, W. Va.; W. J. Fahrner, Pickens, W. Va.; H. C. Weese, Polings Store, W. Va.; B. R. Weller, Hancock, W. Va.; Earl F. Swope, Hancock, W. Va.; E. Royles, Lantz, W. Va.; A. Findley, Boyles, W. Va.; M. J. Gartner, Gaithersburg, Md.; Freeland & Fletcher, Middlebourne, W. Va.; C. E. Murfin, Hancock, W. Va.; Farmer's Dairy, Cumberland, Md.; Mendenhall & Son, Newport, Ohio; J. L. Boor, Petersburg, W. Va.; Mrs. Hattie Detrich, Bittinger, Md.; G. W. Riggenbach, N. Martinsville, W. Va.; Salem Feed & Flour Co., Salem, W. Va.; Lyle Leichter, Cameron, W. Va.; L. Mainbond, Roanville, W. Va.; Verna Dillow, Albright, W. Va.; Della Ramsey, Clem, W. Va.; Walter Johnston, Strasburg, Va.; J. H. Broadwater, Salem, W. Va.; B. L. Hinzman, Weston, W. Va.; Harrison Barker, Ellenboro, W. Va.; Mrs. Estella Bush, Weston, W. Va.; J. C. Dean, Ellenboro, W. Va.; B. L. Swisher, Lost Creek, W. Va.; A. W. Helbig, Oakland, Md.; M. K. Bowers, Charleston, W. Va.; E. J. Snapp, Winchester, Va.; N. W. Johnson, Flat Woods, W. Va.; R. S. Unger, Berkley Springs, W. Va.; Mrs. J. W. Gorbey, Wellsburg, W. Va.; R. E. Greenlease, Vienna, Va.; C. J. Rector, Shinnston, W. Va.; C. E. Turner, Masontown, W. Va.; A. B. Miller, Phillippi, W. Va.; J. L. Abel, Valley Falls, W. Va.; Zipf Hardware Co., St. Marys, W. Va.; Asa Bittinger, Bittinger, Md.; Paul Johnson, North Mountain, W. Va.; B. M. Grim, Romney, W. Va.; Howard Marlow, Silver Spring, Md.; Terra Alta Bottling Works, Terra Alta, W. Va.; C. J. Crook, Gilmer, W. Va.; Ida B. Pride, Fairmont, W. Va.; John W. Current, Fairmont, W. Va.; Mrs. H. V. Johnson, Bridgeport, W. Va.; J. H. Leichter, Moundsville, W. Va.; Roscoe Sturm, Belington, W. Va.; Mrs. L. C. Vincent, Freed, W. Va.; Chas. W. Shrodes, Martinsburg, W. Va.; H. P. Collier, Accident, Md.; McKinley Frye, Dallas, W. Va.; Enoch Bolyard, Kasson, W. Va.; A. E. Deshong, Hancock, W. Va.; Levi Hess, Hancock, W. Va.; H. B. Roy, Harmon, W. Va.; M. J. Gartner, Gaithersburg, Md.; J. T. Fisher & Son, Barnesville, Md.; Hannah D. Jackson, Hancock, W. Va.; E. R. Price, Hancock, W. Va.; T. Fryatt, Gilmer, W. Va.; Wm. J. Corley, Junior, W. Va.; Harvey Mourey, Jane Lew, W. Va.; J. O. Hotsinpillar, Moatsville, W. Va.; C. C. Toothman, Plum Run, W. Va.; W. F. Moore, Core, W. Va.; Clay Collins, Ellenboro, W. Va.; Joseph Petrich, Uffington, W. Va.; Wallace Dunnun, Florence, Ohio; E. Broadwater, Grantsville, Md.; Thos. Bittinger, Jennings, Md.; P. O. Faulkner, North Mountain, W. Va.; Upshur Dairy Products Co., Buckhannon, W. Va.; Lyle Leichter, Hundred, W. Va.; D. J. Baxter, Sutton, W. Va.; Wm. V. Dove, Rockville, Md.; L. A. Walker, Steubenville, Ohio; and Walter Johnson, Strasburg Va.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

The Fairmont Creamery Co., Pittsburgh, Pa., the firm in possession of the goods having requested its destruction, judgments were entered ordering that it be destroyed immediately. The decrees were entered in each instance on the day of filing the libel.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24886. Adulteration of cream. U. S. v. Three 5-Gallon Cans, et al., of Cream. Decrees of condemnation and destruction.** (F. & D. nos. 35805, 35849, 35853, 36177. Sample nos. 28618-B, 28623-B, 28624-B, 37434-B, 37438-B.)

These cases involved cream which was filthy or decomposed or both filthy and decomposed.

On July 11, 16, 23, and 25, 1935, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of nine 5-gallon cans and five 10-gallon cans of cream at Millvale (Pittsburgh), Pa., alleging that the article had been shipped in interstate commerce between the dates of July 10 and July 23, 1935, in various shipments by the Weston Cream Station, Weston, W. Va.; Wm. R. Sheckelford, Grafton, W. Va.; J. W. Knighten, Falling Waters, W. Va.; A. L. Vincent, Shinnston, W. Va.; W. C. Brook, Villa



Nova, W. Va.; J. S. Delaney, Villa Nova, W. Va.; George Hutson, Wallace, W. Va.; Mrs. Ella May Cart, Villa Nova, W. Va.; Mrs. Alice Rauscher, Grafton, W. Va.; and Frank A. Eirin, Heaters, W. Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

The Blue Valley Creamery Co., Pittsburgh, Pa., the firm in possession of the cream, having requested its destruction, judgments were entered ordering that it be destroyed immediately. The decree in each instance was entered on the day of filing the libel.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24887. Adulteration of crab meat. U. S. v. Forty-five 1-Pound Cans and Forty-seven 1-Pound Cans of Crab Meat. Default decrees of condemnation and destruction.** (F. & D. nos. 35807, 36192. Sample nos. 39732-B, 39912-B.)

These cases involved crab meat that contained filth.

On July 12, 1935, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of forty-five 1-pound cans of crab meat at Washington, D. C. On July 18, 1935, a libel was filed against forty-seven 1-pound cans of crab meat at Philadelphia, Pa. The libels charged that the article had been shipped in interstate commerce in part on or about July 9, 1935, and in part on or about July 16, 1935, by G. T. Elliott, Inc., from Hampton, Va., and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On August 16 and September 3, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24888. Adulteration of crab meat. U. S. v. 1 Barrel of Crab Meat. Default decree of condemnation and destruction.** (F. & D. no. 35814. Sample no. 39753-B.)

This case involved a shipment of crab meat that was contaminated with fecal *Bacillus coli*.

On July 26, 1935, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of crab meat at Norfolk, Va., alleging that the article had been shipped in interstate commerce on or about July 23, 1935, by the Currituck Cannery, of Powells Point, N. C., from the State of North Carolina into the State of Virginia, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was contaminated with fecal *Bacillus coli*.

On September 12, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24889. Adulteration of cream. U. S. v. Two 8-Gallon Cans and Two 10-Gallon Cans of Cream. Consent decree of destruction.** (F. & D. no. 35860. Sample no. 41034-B.)

This case involved shipments of cream which was in whole or in part decomposed.

On July 10, 1935, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two 8-gallon cans and two 10-gallon cans of cream at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about July 7 and July 9, 1935, in various consignments by James Hanson, Frederic, Wis.; Frank A. Pflug, Papillion, Nebr.; John Riley, Kearney, Nebr.; W. J. Turner, Kearney, Nebr., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was decomposed.

On July 10, 1935, Miller & Holmes, the owner of the product, having consented to the entry of a decree, judgment was entered ordering that it be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24890. Adulteration of cream. U. S. v. Four 5-Gallons Cans, et al., of Cream. Consent decree of destruction. (F. & D. no. 35861. Sample no. 41033-B.)**

This case involved shipments of cream which was in whole or in part decomposed.

On July 9, 1935, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 cans of cream at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about July 7, 1935, in various consignments by Grover Fox, Wolford, N. Dak.; Geo. A. Buchholz, Durbin, N. Dak.; Jacob S. Quanbeck, McVile, N. Dak.; Tho. Finnemann, Rhame, N. Dak.; Kapaun Bros., Alice, N. Dak.; A. D. Johnson, West Point, Nebr.; Mrs. Bess Lebo, Bowman, N. Dak.; David G. Wollman, Menno, S. Dak.; Kenneth L. Brown, McLeod, N. Dak.; Peter Pietrick, Cayuga, N. Dak.; Anderson Creamery, Miller, S. Dak.; Paul Mathews, Butte, N. Dak., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was decomposed.

On July 9, 1935, the Sunshine Creamery Co., the owners of the product, having consented to the entry of a decree, judgment was entered ordering it be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24891. Adulteration of cream. U. S. v. One 5-Gallon Can, et al., of Cream. Consent decrees of destruction. (F. & D. nos. 35862, 35863. Sample nos. 41035-B, 41036-B.)**

These cases involved shipments of cream which was in whole or in part decomposed.

On July 12 and July 13, 1935, the United States attorney for the District of Minnesota, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 13 cans of cream at Lakeville, Minn., alleging that the article had been shipped in interstate commerce on or about July 9 and July 10, 1935, in various consignments by H. H. Bentley, Miller, Nebr.; George Widhelm, Wisner, Nebr.; D. L. Engleman, Overton, Nebr.; Clyde Burton, Hyannis, Nebr.; G. J. Schmid, Hallam, Nebr.; Lloyd Gallagher, O'Neill, Nebr.; Carl P. Jessen, Cairo, Nebr.; J. B. Romine, Hamlet, Nebr.; L. J. Welrich, Griswold, Iowa; Deane R. Batchelder, Goehner, Nebr.; B. S. Sutton, Max, Nebr.; Geo. McLaughlin, New Raymer, Colo., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was decomposed.

On July 13, 1935, the Lakeville Creamery Co., the owner of the product, having consented to the entry of a decree, judgment was entered ordering that it be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24892. Adulteration of cream. U. S. v. One 5-Gallon Can, et al., of Cream. Consent decrees of destruction. (F. & D. nos. 35864, 35866, 36183. Sample nos. 41037-B, 41039-B, 41533-B.)**

These cases involved shipments of cream which was in whole or in part decomposed.

On July 12, 17, and 19, 1935, the United States attorney for the District of Minnesota, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 19 cans of cream at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce between the dates of July 10 and July 17, 1935, in various consignments by Simon E. Zimmer, Newburg, N. Dak.; Fred Albright, Lucca, N. Dak.; E. H. Larsen, Egeland, N. Dak.; Mike Nickolay, Cando, N. Dak.; Henry Jacobson, Cando, N. Dak.; T. Peterson, Wyndmere, N. Dak.; Anton Larsen, New England, N. Dak.; Louis Tweet, Maxbass, N. Dak.; Anton Zacher, Eagle Butte, S. Dak.; Orlando Lerew, Creshard, S. Dak.; Fargo Creamery & Produce Co., McVile, N. Dak.; Erick Ness, Balfour, N. Dak.; Douglas Cooperative Shipping Assn., Douglas, N. Dak.; J. H. Wruick, Bottineau, N. Dak.; John L. Will, West Point, Nebr., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in violation of section 7 of the Food and Drugs Act.

On July 12, 17, and 19, 1935, the De Soto Creamery & Produce Co., the owner of the product, having consented to the entry of a decree, judgment was entered ordering it be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24893. Adulteration of cream. U. S. v. Two 5-Gallon Cans of Cream. Consent decree of destruction. (F. & D. no. 35865. Sample no. 41532-B.)**

This case involved shipments of cream which was in whole or in part decomposed.

On July 12, 1935, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two 5-gallon cans of cream at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about July 9 and July 10, 1935, in part by Toney Eickenbrock, Wales, N. Dak.; and in part by Andrew Kinlund, Bancroft, Nebr., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was decomposed.

On July 12, 1935, the Milton Dairy, the owner of the product, having consented to the entry of a decree, judgment was entered ordering that it be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24894. Adulteration of cream. U. S. v. One 8-Gallon Can of Cream. Consent decree of destruction. (F. & D. no. 35867. Sample no. 41038-B.)**

This case involved a shipment of cream which was in whole or in part decomposed.

On July 17, 1935, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one 8-gallon can of cream at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about July 15, 1935, by Aug. Strache, from Hankinson, N. Dak., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was decomposed.

On July 17, 1935, the Independent Cream Marketing Association, the owner of the product, having consented to the entry of a decree, judgment was entered ordering that it be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24895. Adulteration of cream. U. S. v. One 5-Gallon Can, et al., of Cream. Default decree of destruction. (F. & D. no. 35868. Sample no. 41531-B.)**

This case involved shipments of cream which was filthy or decomposed or both filthy and decomposed.

On July 11, 1935, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven cans of cream at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about July 8 and July 9, 1935, in various consignments by A. C. Hinze, Loretto, Nebr.; Ira Smith, Bassett, Nebr.; Edw. Fork, Carroll, Nebr.; E. O. Behmer, Hoskins, Nebr.; John Egge, Buxton, N. Dak.; Fred Heuther, Regent, N. Dak.; R. Pope, Flora, N. Dak., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On September 4, 1935, no claimant having appeared, judgment was entered ordering that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24896. Adulteration of crab meat. U. S. v. 1 Barrel, et al., of Crab Meat. Default decrees of condemnation and destruction. (F. & D. nos. 35869, 36190, 36191. Sample nos. 39738-B, 39755-B, 39756-B.)**

These cases involved crab meat that contained filth.

On or about July 16 and July 26, 1935, the United States attorneys for the Districts of Maryland and the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of one barrel of crab meat at Baltimore, Md., and 210 cans of crab meat at Philadelphia, Pa., consigned by F. H. Ayers & Son, Portsmouth, Va., alleging that the article had been shipped in interstate commerce in part on or about July 12, 1935, from Norfolk, Va., and in part on or about July 23, 1935, from Portsmouth, Va., and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.



On August 14 and August 16, 1935, no claimant having appeared, judgments on condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24897. Adulteration of cream. U. S. v. Two 5-Gallon Cans, et al., of Cream. Consent decrees of condemnation and destruction.** (F. & D. nos. 36162, 36170, 36172, 36369. Sample nos. 26087-B, 26088-B, 38492-B, 38493-B.)

These cases involved cream which was filthy and decomposed.

On July 19, 20, 29, and 31, 1935, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 53 cans of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce between the dates of July 16 and July 29, 1935, in various consignments by R. F. Plummer, Garden City, Kans.; Geo. Riley, Drewsey, Oreg.; R. C. Vinson, Dumas, Tex.; Ernest Ellis, Scott City, Kans.; Coltra Co., Colby, Kans.; Mrs. W. M. Radichal, Laramie, Wyo.; Anton Senn, Ashby, Nebr.; C. D. Bratt, Arapahoe, Nebr.; H. M. Hickert, Jennings, Kans.; Henry & Gebhart, Belfry, Mont.; Bert E. Smith, York, Nebr.; George Tkach, Ulm, Wyo.; Guy Slade, Max, Nebr.; John A. Yelek, Rexford, Kans.; Ben A. Ritter, Dresden, Kans.; Francis Miller, Juntura, Oreg.; J. S. Gearhart, Juntura, Oreg.; L. B. Garvin, Silverton, Tex.; Wilson Hanna, North Platte, Nebr.; B. J. Guynan, Sutherland or Paxton, Nebr.; Shaneyfelt Produce, Aurora, Nebr.; Melvin Rogers, Casper, Wyo.; John E. Stumph, Powell, Wyo.; Henry T. Raver, Sutherland, Nebr.; Frank H. Fencil, Waverly, Nebr.; Blaser Producer, Columbus, Nebr.; Frank Gue Cream Co.; Crawford, Nebr.; E. E. Matson, Smith Center, Kans.; A. Bugman, Harper, Oreg.; Lloyd McGetrick, Juntura, Oreg.; Earl Davis, Holdrege, Nebr.; James C. Swin, Marysville, Kans.; Parsons Produce Co., Clarendon, Tex.; M. A. Luther, Ansley, Nebr.; James T. Duffy, Menlo, Kans.; A. L. Bangert, Big Springs, Nebr.; C. R. Stiffler, Clearmont, Wyo.; Albert Drussel, Garden City, Kans.; Letha Duvall, Rozet, Wyo.; Stensvad Poultry Co., Bridgeport, Nebr.; B. F. Hostetler, Bliss, Idaho; Bertha Johnson, Paducah, Tex.; Lawrence Swope, Mountainair, N. Mex., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was filthy and decomposed.

On July 19, 20, 23, 29, and 31, 1935, the Gold Coin Creamery Co., Denver, Colo., having appeared and admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24898. Adulteration of cream. U. S. v. One 10-Gallon Can, et al., of Cream. Consent decrees of condemnation and destruction.** (F. & D. nos. 36163, 36164. Sample nos. 26091-B, 26092-B.)

These cases involved cream which was found to be in various stages of decomposition.

On July 25, 1935, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of four cans of cream at Colorado Springs, Colo., alleging that the article had been shipped in interstate commerce on or about July 23 and July 24, 1935, in various consignments by the Hollywood Creamery Co. Station, Grenville, N. Mex.; E. C. Winsor, Clayton, N. Mex.; C. E. Cordwell, Weskan, Kans.; and H. Pypkema, Almena, Kans., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was decomposed.

On July 25, 1935, the Hollywood Creamery Co., Colorado Springs, Colo., having appeared and admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24899. Adulteration of cream. U. S. v. Seven 5-Gallon Cans, et al., of Cream. Consent decrees of condemnation and destruction.** (F. & D. nos. 36165, 36166. Sample nos. 38490-B, 38491-B.)

These cases involved cream which was filthy and decomposed.

On July 25, 1935, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 18 cans of cream at Trinidad,

Colo., alleging that the article had been shipped in interstate commerce on or about July 23 and July 24, 1935, in various consignments by L. B. Hammond, Amarillo, Tex.; H. T. Bartlett, Dimmitt, Tex.; C. C. Davis, Gavilan, N. Mex.; Elmer Betty, Colmor, N. Mex.; J. R. Chaffin, Lamesa, Tex.; C. H. Keeter, Claude, Tex.; Mrs. Dora Inman, Hereford, Tex.; Charles L. Pingel, Vega, Tex.; O. S. Hunter, Hamlin, Tex.; B. H. Corfield, Moriarty, N. Mex.; Wesley Hager, Belpre, Kans.; D. H. Cargile, Romero, Tex.; B. F. Cope, Memphis, Tex.; T. E. Standfield, Turkey, Tex.; B. C. Edwards, Quanah, Tex.; Alley Hally, Swearingen, Tex.; B. K. Williams, Grant, N. Mex., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was filthy and decomposed.

On July 25, 1935, the Trinidad Creamery Co., Trinidad, Colo., having appeared and admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24900. Adulteration of cream. U. S. v. Three 10-Gallon Cans of Cream, et al. Consent decrees of condemnation and destruction. (F. & D. nos. 36167, 36479. Sample nos. 26096-B, 38488-B.)**

These cases involved cream which was found to be in various stages of decomposition.

On July 20 and August 7, 1935, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 11 cans of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about July 17 and July 30, 1935, in various consignments by Harold McHodgkins and X L Service Store, Abbott, N. Mex.; Swift & Co., Sidney, Nebr.; Joseph E. Barton, Chappell, Nebr.; Ora J. Brown, Wheatland, Wyo.; Albert Borton, Fort Laramie, Wyo.; Glen L. Horney, Swift & Co., Brewster, Kans.; Pearl Gaunt, Venango, Nebr.; D. A. Schultz, Clayton, N. Mex., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was decomposed.

On July 20 and August 7, 1935, Swift & Co. and the Farmers & Merchants Creamery Co., Denver, Colo., having appeared and admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24901. Adulteration of tomato puree. U. S. v. 413 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 35371. Sample no. 26157-B.)**

This case involved a shipment of tomato puree that contained worm and insect debris.

On April 13, 1935, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 413 cases of tomato puree at Denver Colo., consigned by the Varney Canning Co., Roy, Utah, alleging that the article had been shipped in interstate commerce on or about September 10 and September 24, 1934, from Roy, Utah, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chief Brand Puree Utah Tomato."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On June 29, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24902. Adulteration of cream. U. S. v. Eleven 10-Gallon Cans, et al., of Cream. Consent decrees of condemnation and destruction. (F. & D. nos. 36480 to 36483, incl. Sample nos. 27033-B to 27038-B, incl.)**

These cases involved shipments of cream which was filthy or decomposed or both filthy and decomposed.

On August 23, 24, and 26, 1935, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture filed in the district court libels praying seizure and condemnation of eighteen 10-gallon cans of cream at Modesto, Calif., alleging that the article had been



shipped in interstate commerce on or about August 19, 22, and 23, 1935, by the Milk Producers Association of Central California, in various shipments from Reno, Fallon, and Yerington, Nev., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On August 24 and August 26, 1935, the Milk Producers Association of Central California having consented to the entry of a decree, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24903. Adulteration of cream. U. S. v. Three 10-Gallon Cans and Three 10-Gallon Cans of Cream. Consent decrees of condemnation and destruction. (F. & D. nos. 36168, 36367. Sample nos. 26090-B, 38494-B.)**

These cases involved cream which was found to be in various stages of decomposition.

On July 20 and August 6, 1935, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of six 10-gallon cans of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about July 18 and July 31, 1935, in various consignments by the Kanorado Cooperative Association, Kanorado, Kans.; Farmers Equity Cooperative Creamery Association, Crawford, Nebr.; P. W. Herder, Edgemont, S. Dak.; Arch. Cody, Kanorado, Kans., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was decomposed.

On July 20 and August 6, 1935, the Farmers Equity Cooperative Creamery Association, Denver, Colo., having appeared and admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24904. Adulteration of cream. U. S. v. Ten 10-Gallon Cans, et al., of Cream. Consent decrees of condemnation and destruction. (F. & D. nos. 36169, 36181, 36368. Sample nos. 26089-B, 26097-B, 38489-B.)**

These cases involved cream which was filthy or decomposed or both filthy and decomposed.

On July 20, July 23, and August 6, 1935, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of seventeen 10-gallon cans of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce between the dates of July 18 and July 31, 1935, in various consignments by the Beatrice Cream Stations, Venango, Grant, Potter, Trenton, Wallace, and Champion, Nebr., and Maxwell, N. Mex.; Idowell Creamery, Grant, Nebr.; A. R. Thompson, Ogallala, Nebr.; Cora Parton, Wallace, Nebr.; Jas. E. Hoback, Hayes Center, Nebr., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was in part decomposed and in part filthy and decomposed.

On July 20, July 23, and August 6, 1935, the Beatrice Creamery Co., Denver, Colo., having appeared and admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24905. Adulteration of cream. U. S. v. One 5-Gallon Can of Cream. Consent decree of condemnation and destruction. (F. & D. no. 36171. Sample no. 38486-B.)**

This case involved cream which was decomposed.

On July 20, 1935, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one 5-gallon can of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about July 16, 1935, by Dick Eruin, from Coronado, N. Mex., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was decomposed.

On July 20, 1935, the Farmers & Merchants Creamery Co., Denver, Colo., having appeared and admitted the allegations of the libel and consented to the



entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24906. Adulteration of crab meat. U. S. v. 12 Pounds and Fifty-six 1-Pound Cans of Crab Meat. Default decrees of condemnation and destruction. (F. & D. nos. 36415, 36416. Sample nos. 42129-B, 42141-B.)**

These cases involved crab meat that contained filth.

On August 21 and August 23, 1935, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 68 pounds of crab meat at Philadelphia, Pa., charging that the article had been shipped in interstate commerce in part on or about August 19, 1935, and in part on or about August 21, 1935, by the Harrison & Jarboe Seafood Co., from St. Michaels, Md., and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On September 13, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24907. Adulteration of cream. U. S. v. Two 10-Gallon Cans, et al., of Cream. Consent decrees of condemnation and destruction. (F. & D. nos. 36174, 36175, 36176, 36180. Sample nos. 36193-B, 36194-B, 36195-B, 36199-B.)**

These cases involved cream which was filthy or decomposed.

On July 26, July 27, and August 5, 1935, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of eight 10-gallon cans of cream at Baltimore, Md., consigned by the Chesapeake Creameries, Inc., alleging that the article had been shipped in interstate commerce between the dates of July 25 and August 2, 1935, in various shipments from Lovettville, Berryville, Philamont, and Culpeper, Va., and Martinsburg, W. Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 29, July 30, and August 5, 1935, the Chesapeake Creameries, Inc., Baltimore, Md., having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24908. Adulteration of cream. U. S. v. One 10-Gallon Can of Cream. Consent decree of condemnation and destruction. (F. & D. no. 36178. Sample no. 36198-B.)**

This case involved cream which was filthy or decomposed.

On August 2, 1935, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one 10-gallon can of cream at Baltimore, Md., consigned by Belle Tavenner, from Alexandria, Va., alleging that the article had been shipped in interstate commerce on or about August 2, 1935, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On August 6, 1935, the Chesapeake Creameries, Inc., Baltimore, Md., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24909. Adulteration of cream. U. S. v. One 8-Gallon Can and One 5-Gallon Can of Cream. Consent decree of condemnation and destruction. (F. & D. no. 36179. Sample no. 36196-B.)**

This case involved cream which was filthy or decomposed.

On July 30, 1935, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one 8-gallon can and one

5-gallon can of cream at Baltimore, Md., consigned in part by Norman Walker, and in part by W. F. Dysart, from Woodstock, Va., alleging that the article had been shipped in interstate commerce on or about July 28, 1935, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On August 1, 1935, the Chesapeake Creameries, Inc., Baltimore, Md., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24910. Adulteration of cream. U. S. v. Three 10-Gallon Cans and one 5-Gallon Can of Cream. Consent decree of destruction. (F. & D. no. 36182. Sample no. 28770-B.)**

This case involved shipments of cream which was filthy or decomposed or both filthy and decomposed.

On July 31, 1935, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three 10-gallon cans and one 5-gallon can of cream at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about July 30, 1935, in various consignments by J. M. Watson, Centerville, Pa.; A. N. Robinson, Williamsport, Pa.; J. S. Roe, Athens, Pa.; and W. G. Crawford, Titusville, Pa., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy, decomposed, or putrid animal substance.

On July 31, 1935, the Fairmont Creamery Co., Buffalo, N. Y., having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24911. Adulteration of crab meat. U. S. v. 3 Barrels, et al., of Crab Meat. Default decrees of condemnation and destruction. (F. & D. nos. 36186, 36187, 36188, 36193, 36258. Sample nos. 39736-B, 39740-B, 39741-B, 39765-B, 39915-B.)**

These cases involved crab meat that contained filth.

On or about July 16, 1935, and on July 19, July 20, July 22, and August 2, 1935, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 11 barrels of crab meat at Baltimore, Md., charging that the article had been shipped in interstate commerce between the dates of July 12 and July 30, 1935, consigned by W. G. Ruark & Co., of Belhaven, N. C., in part from Belhaven, N. C., and in part from Norfolk, Va., and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On August 14 and August 26, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24912. Adulteration of crab meat. U. S. v. 2 Barrels of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 36189. Sample no. 39754-B.)**

This case involved a shipment of crab meat which contained filth.

On July 25, 1935, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two barrels of crab meat at Baltimore, Md., consigned by J. H. Fleming & Co., Portsmouth, Va., alleging that the article had been shipped in interstate commerce on or about July 24, 1935, from Portsmouth, Va., into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On August 16, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*



**24913. Adulteration of crab meat. U. S. v. 1 Box, et al., of Crab Meat. Default decrees of condemnation and destruction.** (F. & D. nos. 36195, 36264, 36418. Sample nos. 43270-B, 43272-B, 43274-B.)

These cases involved crab meat that contained filth.

On July 23 and July 25, 1935, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of two hundred and thirty-seven 1-pound cans and five boxes of crab meat at Baltimore, Md., consigned by the Lupton Fish & Oyster Co., New Bern, N. C., alleging that the article had been shipped in interstate commerce in various shipments on or about July 20, 22, and 24, 1935, from New Bern, N. C., and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On August 14 and August 16, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24914. Adulteration of blueberries. U. S. v. 11 Crates of Blueberries. Default decree of condemnation and destruction.** (F. & D. no. 36227. Sample no. 36642-B.)

This case involved a shipment of blueberries which contained maggots.

On August 9, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 crates of blueberries at Boston, Mass., consigned on or about August 8, 1935, alleging that the article had been shipped in interstate commerce from Union, N. H., by A. M. Stevens, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On September 23, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24915. Adulteration of crab meat. U. S. v. 50 and Thirty 1-Pound Cans of Crab Meat. Default decrees of condemnation and destruction.** (F. & D. nos. 36255, 36262. Sample nos. 27646-B, 42107-B.)

These cases involved shipments of crab meat which was polluted.

On July 29 and July 31, 1935, the United States attorney for the District of New Jersey and the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of fifty 1-pound cans of crab meat at Wildwood, N. J., and thirty 1-pound cans of crab meat at Lebanon, Pa., alleging that the article had been shipped in interstate commerce on or about July 25 and July 26, 1935, by I. T. Tyler & Co., from Crisfield, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On August 22 and October 5, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24916. Adulteration of crab meat. U. S. v. Two 50-Pound Boxes of Crab Meat. Default decree of condemnation and destruction.** (F. & D. no. 36260. Sample no. 39934-B.)

This case involved a shipment of crab meat which contained filth.

On August 22, 1935, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two 50-pound boxes of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about August 17, 1935, by the Ozio Fisheries, Inc., from Morgan City, La., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On September 17, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*



**24917. Adulteration of crab meat. U. S. v. Twenty-one 1-Pound Cans of Crab Meat. Default decree of condemnation and destruction.** (F. & D. no. 36261. Sample no. 42100-B.)

This case involved a shipment of crab meat that was polluted.

On July 25, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of twenty-one 1-pound cans of crab meat at Atlantic City, N. J., alleging that the article had been shipped in interstate commerce on or about July 23, 1935, by C. A. Loockerman, from Crisfield, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On October 5, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24918. Adulteration of crab meat. U. S. v. 47 Cans of Crab Meat. Default decree of condemnation and destruction.** (F. & D. no. 36263. Sample no. 42114-B.)

This case involved a shipment of crab meat which contained filth.

On August 12, 1935, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 47 cans of crab meat at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 6, 1935, by the J. M. Clayton Co., from Cambridge, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On September 4, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24919. Adulteration of crab meat. U. S. v. 1 Box, et al., of Crab Meat. Default decrees of condemnation and destruction.** (F. & D. nos. 36265, 36266, 36417. Sample nos. 43269-B, 43273-B, 43275-B.)

These cases involved crab meat that contained filth.

On July 24, 26, and 27, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of three boxes and one barrel of crab meat at New York, N. Y., alleging that the article had been shipped in interstate commerce in various shipments on or about July 20, 23, and 24, 1935, by the Lupton Fish & Oyster Co., from New Bern, N. C., and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On September 11, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24920. Adulteration of huckleberries. U. S. v. 54 Crates and 4 Crates of Huckleberries. Default decree of condemnation and destruction.** (F. & D. no. 36290. Sample no. 36777-B.)

This case involved a shipment of huckleberries which contained maggots.

On August 2, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 58 crates of huckleberries at Boston, Mass., consigned on or about August 1, 1935, alleging that the article had been shipped in interstate commerce from Hammononton, N. J., by J. J. Ordille, and charging adulteration in violation of the Food and Drugs Act. The article was labeled, variously: "Tony Pinto Hammononton, N. J."; "John Demio Hammononton, N. J."; "Nick Ford Green Bank, N. J."; "Mary Tassone Atsion N. J.," etc.

The article was alleged to be adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On September 23, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24921. Adulteration of huckleberries. U. S. v. 18 Baskets of Huckleberries. Decree of destruction. (F. & D. no. 36398. Sample no. 37473-B.)**

This case involved a shipment of huckleberries which contained maggots. On August 26, 1935, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 baskets of huckleberries at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about August 23, 1935, by Kite & Foltz, from Stanley, Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 28, 1935, the consignee having requested the immediate destruction of the product, judgment was entered ordering that it be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24922. Adulteration of huckleberries. U. S. v. 27 Baskets of Huckleberries. Decree of condemnation and destruction. (F. & D. no. 36399. Sample no. 37474-B.)**

This case involved a shipment of huckleberries which contained maggots. On August 26, 1935, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 baskets of huckleberries at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about August 23, 1935, by C. F. Dinges, from Stanley, Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 28, 1935, the consignee having requested the immediate destruction of the product, judgment was entered ordering that it be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24923. Adulteration of crab meat. U. S. v. Twenty-two 1-Pound Cans and 20 Pounds of Crab Meat. Default decrees of condemnation and destruction. (F. & D. nos. 36412, 36413. Sample nos. 27663-B, 27671-B.)**

These cases involved shipments of crab meat that was found to be polluted.

On August 15 and August 21, 1935, the United States attorneys for the Eastern District of Pennsylvania and the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of twenty-two 1-pound cans of crab meat at Lancaster, Pa., and 20 pounds of crab meat at Ocean City, N. J., alleging that the article had been shipped in interstate commerce on or about August 13 and August 19, 1935, by A. B. Harris, from Oxford, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On September 4 and October 5, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24924. Adulteration of dried peaches. U. S. v. 600 Boxes of Dried Peaches. Product released under bond. (F. & D. no. 36451. Sample no. 26747-B.)**

This case involved an interstate shipment of dried peaches which were insect-infested.

On October 3, 1935, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 600 boxes of dried peaches at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about September 10, 1935, by Rosenberg Bros. & Co., from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "California Choice Peaches Prepared with Sulphur Dioxide."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On November 2, 1935, Rosenberg Bros. & Co., having appeared as claimant, judgment was entered finding that the essential allegations of the libel were true and ordering that the product be released to the claimant under bond conditioned that it should not be sold or otherwise disposed of contrary to law.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24925. Adulteration and misbranding of alleged olive oil. U. S. v. 100 Cans of Alleged Olive Oil. Default decree of condemnation. Product delivered to charitable institutions. (F. & D. no. 34882. Sample no. 30402-B.)**

This case involved a shipment of alleged olive oil which was found to consist in large part of oils other than olive oil.

On January 11, 1935, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one hundred 1-gallon cans of alleged olive oil at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about January 10, 1935, by John De Pierro, from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Superfine Olive Oil, Imported Italia Brand, Lucca, Italy."

The article was alleged to be adulterated in that sunflower, peanut, or other oil had been substituted in part for olive oil, which the article purported to be.

Misbranding was alleged for the reason that the following statements on the label, "Superfine Olive Oil, Imported Italia Brand, Lucca, Italy" and "Net contents one gallon, first pressing, cream olive oil recommended highly for table and medicinal use", were misleading and tended to deceive and mislead the purchaser, since they represented that the article was imported olive oil: whereas it consisted largely of sunflower, peanut, or other oil, mixed with some olive oil, compounded and packed in the United States. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so.

On August 21, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be distributed to charitable institutions.

W. R. GREGG, *Acting Secretary of Agriculture.*



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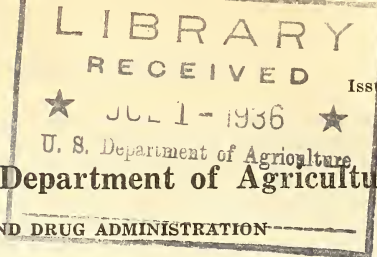
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# United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

## NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

24926-25000

[Approved by the Acting Secretary of Agriculture, Washington, D. C., April 9, 1936]

**24926. Adulteration and misbranding of potatoes. U. S. v. Leonard, Crosset & Riley, Inc., and Felix J. Lukasavitz. Pleas of guilty. Fines, \$51. (F. & D. no. 34064. Sample no. 64403-A.)**

This case involved an interstate shipment of potatoes which were below the grade declared on the label.

On August 5, 1935, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Leonard, Crosset & Riley, Inc., and Felix J. Lukasavitz, trading at Custer, Wis., alleging that on or about April 10, 1934, the said defendants had shipped from the State of Wisconsin into the State of Illinois a quantity of potatoes, that the article had been reconsigned from the State of Illinois into the State of Ohio, and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: (Sack) "U. S. Grade No. 1 Wisconsin Potatoes Sun Brand Leonard, Crosset & Riley, Inc. Waupaca, Wisconsin."

The article was alleged to be adulterated in that potatoes of a lower grade than U. S. No. 1 had been substituted in whole or in part for U. S. grade No. 1 potatoes, which the article purported to be.

Misbranding was alleged for the reason that the statement, "U. S. Grade No. 1 \* \* \* Potatoes", borne on the sack, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the potatoes were not U. S. grade No. 1 but were of a lower grade.

On September 3, 1935, pleas of guilty were entered on behalf of the defendants and the court imposed a fine of \$50 against the corporation and \$1 against Felix J. Lukasavitz.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24927. Misbranding of salad oil. U. S. v. 28 Cans, et al. of Salad Oil. Decrees of condemnation. Product released under bond to be relabeled. (F. & D. nos. 34451, 34452, 34566, 34574. Sample nos. 21204-B, 21205-B, 21254-B, 21262-B.)**

These cases involved interstate shipments of a product consisting essentially of cottonseed oil or a mixture of cottonseed oil and an oil similar to corn oil, with perhaps a little olive oil present in some of the lots, which was labeled to convey the impression that it was olive oil of foreign origin.

On December 5, December 18, and December 21, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 220 cans of salad oil in part at Meriden, Conn., and in part at New Haven, Conn., alleging that the article had been shipped in interstate commerce in various shipments on or about October 4, October 10, and November 20, 1934, by the Valentino Salad Oil Co., from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled, variously: "Rosa Mia Brand Oil [or 'Olio Da Lucca Brand'] \* \* \* Packed by Valentino Salad Oil Co."; "Olio Sopraffino Balbo Brand \* \* \* Packed by S B B'klyn, N. Y."

The article was alleged to be misbranded in that the following statements and designs appearing in the labeling were false and misleading and tended to deceive and mislead the purchaser, since they created the impression that the article was Italian olive oil, whereas it was not: (Rosa Mia brand) "Marca Rosa Mia Olio Vegetale per insalata e cucina", "Puro e delizioso vegetale specialmente indicato per insalata salse frittiture ed in tutti gli uso di cucina e tavola", and the green color of the can suggestive of olives; (Balbo brand) "Olio Sopraffino Balbo", "Questo latta contiene una deliziosa qualita di olio per insalata uso tavola e per uso cucina", and the design of the Italian coat of arms; (Da Lucca brand) "Olio Marca Da Lucca", "Olio puro d'oliva quindici per cento, con la migliore qualita d'olio vegetabile ottanta cinque per cento con arome e colore", "Garantito sotto ogni analisi chimica. Confezionato col processo piu igienico", "superior salad oil." Misbranding was alleged for the further reason that the article purported to be a foreign product when not so. Misbranding was alleged with respect to the Rosa Mia brand for the further reason that the statement on the label, "Rosa Mia Brand Oil A \* \* \* pure vegetable oil", was misleading since the words "vegetable oil" are applicable to olive oil.

On September 17, 1935, judgments of condemnation were entered and it was ordered that the product be released to the claimant under bond conditioned that it be relabeled under the supervision of this Department.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24928. Adulteration and misbranding of pickles. U. S. v. 66 Jars, et al., of Pickles. Default decrees of condemnation and destruction.** (F. & D. nos. 35140, 35141, 35142. Sample nos. 27455-B, 27456-B, 27471-B to 27474-B incl.)

These cases involved shipments of pickles which were misbranded in several, and in some instances all, of the following ways: Short volume; ambiguous declaration of the quantity of the contents; sodium benzoate undeclared or in excess of the amount declared; misleading impression created by the label that the product was produced by a firm other than the real manufacturer. Two of the lots were also adulterated because of the presence of added saccharin.

On or about February 20, February 21, and April 5, 1935, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 66 jars of pickles at Kansas City, Kans.; 5 cases of pickles at Lawrence, Kans.; and 122½ cases of pickles at Topeka, Kans., alleging that the article had been shipped in interstate commerce, in various lots on or about September 28, October 26, and November 2, 1934, by the Southern Manufacturing Co., from St. Louis, Mo., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The articles were labeled, variously: "Golden West Brand Sweet Cauliflower Pickles Contents 12 Oz. Southern Mfg. Co. St. Louis, Mo."; "Tee Pee Brand Sliced Sweet Pickles Contents 7 oz. .01% Benzoate of Soda Distributed by The Theo. Poehler Mercantile Co. Lawrence, Ks."; "Jo-Andy Sweet Mixed Pickles [or "Sweet Pickles" or "Sliced Sweet Pickles"] Contents 1 Quart [or "Contents 25 Oz.", "Contents 16 Oz.", or "Contents 7 Oz.]" .01% Benzoate of Soda Topeka Wholesale Grocery Co. Topeka, Kansas."

The libels charged adulteration of the two lots of sliced sweet pickles in that the article contained an added poisonous and deleterious ingredient, saccharin, which might have rendered it injurious to health. Adulteration was alleged with respect to a portion of the sliced sweet pickles for the further reason that a product containing added saccharin had been substituted for the article.

Misbranding was alleged with respect to all lots for the reason that the statements, "Contents 12 Oz.", "Contents 7 Oz.", "Contents 1 Quart", "Contents 25 Oz.", and "Contents 16 Oz.", were false and misleading and tended to deceive and mislead the purchaser, since the jars contained less than declared. Misbranding of all lots was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since it was incorrect in all instances, and the statement was ambiguous in the lots marked "12 Oz.", "25 Oz.", "16 Oz.", and "7 Oz.", since neither weight nor measure was definitely stated. Misbranding was alleged with respect to one lot for the reason that it was labeled so as to deceive and mislead the purchaser since the presence of added benzoate of soda was not declared on the



label. Misbranding was alleged with respect to certain lots for the further reason that the statement ".01% Benzoate of Soda" was false and misleading since the article contained more benzoate of soda than declared; for the further reason that the statement, "Topeka Wholesale Grocery Co. Topeka, Kansas", implied that that company was the manufacturer; whereas the Southern Manufacturing Co. was the manufacturer; and for the further reason that it was labeled so as to deceive and mislead the purchaser since the declaration of sodium benzoate was inconspicuous and hardly visible with the naked eye.

On July 8, 1935, no claimant appearing, judgments of condemnation were entered and it was ordered that the products be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24929. Adulteration of tomato catsup and tomato puree. U. S. v. 60 Cases of Tomato Catsup, et al. Default decrees of condemnation and destruction.** (F. & D. nos. 35330, 35369, 35370, 35547, 35616. Sample nos. 26549-A, 33361-A, 33368-A, 33372-A, 33373-A.)

These cases involved shipments of tomato catsup and tomato puree, samples of which were found to contain filth resulting from worm and insect infestation.

On April 3, April 16, May 24, and June 7, 1935, the United States attorney for the District of Montana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 60 cases of tomato catsup at Billings, Mont.; 41 cases of tomato catsup and 28 cases of tomato puree at Butte, Mont.; 88 cases of tomato catsup at Great Falls, Mont.; and 25 cases of tomato catsup at Havre, Mont., alleging that the articles had been shipped in interstate commerce between the dates of September 19, 1934 and January 16, 1935, by Woods Cross Canning Co., from Clearfield, Utah, and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part: "Woods Cross Brand Catsup [or "Tomato Purée"] \* \* \* Packed by Woods Cross Canning Company Woods Cross, Utah."

The articles were alleged to be adulterated in that they consisted wholly or in part of filthy vegetable substances.

On June 11 and July 31, and November 27, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24930. Adulteration of jam. U. S. v. 90 Cases of Cherry Jam, et al. Default decree of condemnation and destruction.** (F. & D. no. 35356. Sample nos. 11773-B, 11774-B, 11775-B, 26201-B to 26204-B incl., 26206-B to 26209-B, incl.)

This case involved various shipments of jams that contained lead in an amount that might have rendered them injurious to health.

On April 20, 1935, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,022 cases of jams at Scottsbluff, Nebr., alleging that the articles had been shipped in interstate commerce in various shipments between the dates of April 26, 1934, and February 19, 1935, by the Pure Food Manufacturing Co., from Denver, Colo., and charging adulteration in violation of the Food and Drugs Act. The articles were labeled, variously: "Delicious Brand \* \* \* Cherry [or "Pear" or "Peach", etc.] Jam \* \* \* Packed by the Pure Food Mfg. Co., Denver, Colo."

The articles were alleged to be adulterated in that they contained an added poisonous and deleterious ingredient, lead, which might have rendered them injurious to health.

On July 31, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24931. Misbranding of tomato sauce. U. S. v. 171 Cases and 7¾ Cases of Tomato Sauce. Decrees of condemnation. Portion of product released under bond to be relabeled; remainder destroyed.** (F. & D. nos. 35365, 35376. Sample nos. 23746-B, 30113-B.)

These cases were based on interstate shipments of tomato sauce which was misbranded since it was made from domestic tomatoes and packed in the United States, and was labeled to indicate that it was a foreign product. The labeling was further objectionable because it created the impression that the article was packed by a firm other than the real packer.

On April 9 and April 15, 1935, the United States attorneys for the Western District of Pennsylvania and the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 171 cases of tomato sauce at Pittsburgh, Pa., and  $7\frac{3}{4}$  cases of tomato sauce at Jersey City, N. J., alleging that the article had been shipped in interstate commerce in part on or about October 18, 1934, by Ossola Bros., from New York, N. Y., and in part on or about November 8, 1934, by the Greco Canning Co., Inc., from San Jose, Calif., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Grande Italia Brand Naples Style Pure Tomato Sauce \* \* \* Packed in California Ossola Brothers, Inc., New York Pittsburgh."

The article was alleged to be misbranded in that the statements, "Grande Italia" and "Naples Style" together with the map of Italy and the picture of tomatoes so designed as to make them appear to be pear-shaped, or Italian tomatoes, appearing on the label, were misleading and tended to deceive and mislead the purchaser when applied to a domestic tomato sauce. Misbranding was alleged for the further reason that the statement on the label, "Ossola Brothers, Inc.", was misleading and tended to deceive and mislead the purchaser since it implied that Ossola Bros., Inc. were the packers, which was not the case. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so.

On June 18, 1935, Ossola Bros., Inc., having appeared as claimant for the property seized at Pittsburgh, Pa., and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department. On July 13, 1935, no claimant having appeared for the product covered by the remaining case, judgment was entered condemning it and ordering that it be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24932. Adulteration of tomato catsup. U. S. v. 20 Cases and 28 Cases of Tomato Catsup. Default decrees of condemnation and destruction. (F. & D. nos. 35410, 35618. Sample nos. 26252-B, 35781-B.)**

These cases involved interstate shipments of tomato catsup that contained insect and worm debris.

On April 20 and June 14, 1935, the United States attorneys for the Districts of Idaho and Wyoming, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 20 cases of tomato catsup at Twin Falls, Idaho, and 28 cases of tomato catsup at Cheyenne, Wyo., alleging that the article had been shipped in interstate commerce on or about March 14 and April 13, 1935, by the Weber Packing Corporation from Ogden, Utah, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Utah Lyon Brand Packed by Weber Packing Corporation Ogden, Utah."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On June 28 and October 21, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24933. Adulteration of tomato catsup. U. S. v. 52 Cases, et al., of Catsup. Decrees of condemnation and destruction. (F. & D. nos. 35413, 35499. Sample nos. 26149-B, 26296-B.)**

These cases involved shipments of tomato catsup that contained worm and insect debris.

On April 24 and June 4, 1935, the United States attorneys for the Districts of Idaho and Wyoming, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 52 cases of catsup at Pocatello, Idaho, and 12 cases and 8 cans of tomato catsup at Evanston, Wyo., alleging that the article had been shipped in interstate commerce in part on or about September 21, 1934, and in part on or about January 21, 1935, by the Utah Canning Co., from Ogden, Utah, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Pierce's Tomato Catsup \* \* \* The Utah Canning Co. Ogden, Utah."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.



On June 5 and June 14, 1935, no claim having been entered for the product seized in the District of Idaho, and the Utah Canning Co., claimant in the remaining case, having consented to the entry of a decree, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24934. Misbranding of canned peas. U. S. v. 747 $\frac{2}{3}$  Cases of Canned Peas. Decree of condemnation. Product released under bond to be relabeled.** (F. & D. no. 35447. Sample no. 23670-B.)

This case involved an interstate shipment of canned peas that fell below the standard established by this Department because of the presence of an excessive number of hard peas, and that were not labeled to indicate that they were substandard.

On April 30, 1935, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 747 $\frac{2}{3}$  cases of canned peas at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about September 29, 1934, by the Elkhart Lake Canning Co., from Elkhart Lake, Wis., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Expert Sweet Peas \* \* \* Distributors Jesse C. Stewart Co., Pittsburgh, Pa."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food because of the presence of an excessive number of hard peas, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On July 11, 1935, the Jesse C. Stewart Co., Pittsburgh, Pa., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24935. Adulteration and misbranding of egg noodles, macaroni, and spaghetti. U. S. v. 97 Cases of Egg Noodles, et al. Default decrees of condemnation. Portion delivered to charitable institutions; remainder destroyed.** (F. & D. nos. 35462, 35472, 35473, 35483, 35486, 35487, 35490, 35491, 35505, 35506, 35582. Sample nos. 21371-B, 21372-B, 21373-B, 24308-B, 28693-B to 28699-B incl., 36044-B to 36048-B incl., 36056-B, 36057-B, 36409-B, 37282-B.)

These cases involved egg noodles and macaroni which contained soybean meal and turmeric, a yellow coloring substance.

On or about May 6, 1935, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 152 cases and 59 cartons of egg noodles at Baltimore, Md. Between the dates of May 8 and May 29, 1935, libels were filed against 199 cases of egg noodles and 36 cases of macaroni at Baltimore, Md.; 340 cases of egg noodles and 1,433 cases of macaroni at Buffalo, N. Y.; 232 cases of egg noodles and 681 cases of spaghetti at New York, N. Y.; and 149 cases of egg noodles at Trenton, N. J. The libels charged that the articles had been shipped in interstate commerce between the dates of February 5 and May 10, 1935, by the Keystone Macaroni Manufacturing Co., from Lebanon, Pa., that they were misbranded, and with the exception of one lot of macaroni, were also adulterated in violation of the Food and Drugs Act. Portions of the articles were labeled in part, variously: "Pure Egg Noodles Keystone Macaroni Manufacturing Co. Lebanon, Pa."; "Pure Semolina"; "Asco Brand Egg Noodles \* \* \* All Asco Egg Noodle products are guaranteed to be the finest possible quality. \* \* \* American Stores Co. Distributors—Philadelphia"; "Great Lakes Pure Egg Noodles"; Tagliatelle Fine Bologna Style Macaroni \* \* \* Niagara Mac. Mfg. Co. \* \* \* Buffalo, N. Y."; "Krasdale Brand Pure Egg Noodle Distributor A. Krasne New York City"; "Krasdale Brand Spaghetti"; "San Giorgio Brand Macaroni Extra Fine Gragnano Style Pure Semola Finest Italian Style Macaroni \* \* \* Keystone Macaroni MFG Co."; "Alimentary Paste Genova [or "Naples" or "Bologna"] Style Macaroni Extra Quality \* \* \* Manufactured by Keystone Macaroni Mfg. Co."



The libels alleged that the egg noodles, spaghetti, and certain lots of the macaroni were adulterated in that articles containing soybean meal and added color, turmeric, had been substituted for egg noodles, spaghetti, and macaroni which the articles purported to be; and for the further reason that they were colored in a manner whereby inferiority was concealed. Adulteration was alleged with respect to one lot of macaroni for the reason that an article containing soybean meal and added color, turmeric, had been substituted for pure semolina (macaroni) which the article purported to be.

The products, with the exception of one lot of macaroni, were alleged to be misbranded in that the following statements in the labeling were false and misleading and tended to deceive and mislead the purchaser: "Pure Egg Noodles", "Fine Egg Noodles", "Pure Semolina", "Noodles Pure Egg \* \* \* Macaroni Products", "Egg Noodles \* \* \* All Asco Egg Noodle products are guaranteed to be the finest possible quality", "Macaroni", "Spaghetti Pure Semolina", "Spaghetti Made From Durum Flour", "Pure Egg Macaroni", "High Grade Macaroni", "Pure Semola", "Finest \* \* \* Macaroni", and "Alimentary Paste \* \* \* Macaroni Extra Quality." Misbranding was alleged with respect to the remaining lot of macaroni for the reason that it was offered for sale under the distinctive name of another article, semolina macaroni.

On June 10, 13, 17, 18, 21, 28, and August 23, 1935, no claimant appearing, judgments of condemnation were entered. The products seized at New York, N. Y., and Buffalo, N. Y., were ordered delivered to charitable institutions, and those covered by the remaining cases were ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24936. Adulteration of canned tuna. U. S. v. 9 Cases of Canned Tuna. Portion of product released unconditionally; remainder condemned and destroyed. (F. & D. no. 35465. Sample no. 15891-B.)**

This case involved a shipment of canned tuna which was in part decomposed.

On May 7, 1935, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine cases of canned tuna at Yuma, Ariz., alleging that the article had been shipped in interstate commerce on or about January 4 and January 31, 1935, by Cohn-Hopkins, Inc., from San Diego, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Golden Strand Brand California Light Meat Tuna \* \* \* Packed by Cohn-Hopkins, Inc. San Diego, Calif."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

No claimant appeared for the property. On June 17, 1935, judgment was entered finding that three cases and eight cans of the product were not adulterated and ordering that they be delivered to the consignee in whose possession they were when seized, and that the remainder be condemned and destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24937. Adulteration of butter. U. S. v. 12 Cases of Butter. Default decree of condemnation and destruction. (F. & D. no. 35469. Sample nos. 28290-B, 28291-B, 28292-B.)**

This case involved a shipment of butter that contained mold and other extraneous matter.

On April 5, 1935, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 cases of butter at Peoria, Ill., alleging that the article had been shipped in interstate commerce on or about March 27 and March 28, 1935, by the Sugar Creek Creamery Co., from St. Louis, Mo., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Golden Grain Creamery Butter", or "Blue Ribbon \* \* \* Creamery Butter."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On June 26, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24938. Adulteration and misbranding of egg noodles, spaghetti, and macaroni. U. S. v. 80 Boxes of Egg Noodles, et al. Default decrees of condemnation and destruction.** (F. & D. nos. 35478, 35495, 35501, 35504, 35514, 35521, 35522. Sample nos. 21984-B, 24546-B, 30237-B, 30238-B, 30239-B, 30609-B, 30610-B, 30611-B, 30612-B, 30625-B, 30815-B, 30817-B, 30821-B, 30822-B.)

These cases involved various shipments of alimentary paste which contained soybean meal and an added yellow coloring substance, turmeric.

On May 9, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 162 boxes of egg noodles and 41 boxes of spaghetti at Jersey City, N. J. On May 15, 17, 18, 21, and 23, 1935, libels were filed against 23 cartons of spaghetti and 41 boxes of egg noodles at Newark, N. J.; and 74 boxes of spaghetti at Perth Amboy, N. J.; 44 cases of spaghetti at New Haven, Conn.; 28 boxes of macaroni at Philadelphia, Pa.; and 26 boxes and 230 packages of macaroni and noodles at Scranton, Pa. The libels charged that the articles had been shipped in interstate commerce between the dates of February 25 and May 1, 1935, by the Atlantic Macaroni Co., Inc., from Long Island City, N. Y., and that they were adulterated and misbranded in violation of the Food and Drugs Act. The articles were labeled in part, variously: "Caruso Brand Pure Egg Noodles [or "Spaghetti"] \* \* \* The Atlantic Macaroni Co., Inc., Long Island City, N. Y."; "Parodi None Better Spaghetti"; "Spaghetтини"; "Dolsun Brand Spaghetti"; "La Napolitana Brand Macaroni"; "Alimentary Paste Cavilli Brand High Grade Macaroni"; "Capellini No. 1 Semolina"; "Mostaccioli Rigati \* \* \* No. 1 Semolina"; "Pure Egg Noodles"; "Pure Egg Products No Artificial Coloring"; "Pure Egg Flakes [or "Broad", "Medium", or "Barley"]."

The articles, with the exception of one lot of spaghetti, were alleged to be adulterated in that products containing soybean meal and an added color, turmeric, had been substituted for spaghetti, macaroni, and egg noodles; and for the further reason that they had been colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the following statements on the labels were false and misleading and tended to deceive and mislead the purchaser when applied to mixtures of spaghetti, macaroni, or egg noodles containing soybean meal and added coloring matter: "Pure Egg", "Noodles", "Pure Egg Noodles", "For those Who Want the Best", "Spaghetti", "Caruso Spaghetti and Egg Noodles", "Spaghetti", "The Acme of Perfection", "None Better Spaghetti Made of a Blend of Flour and Semolina", "Spaghetтини \* \* \* Made of a blend of flour and semolina", "Macaroni", "Alimentary Paste \* \* \* High Grade Macaroni", "No. 1 Semolina", "Mostaccioli Rigati", "Pure Egg Products \* \* \* No Artificial Coloring", "Egg and Farina Products", "Pure Egg Flakes", "Pure Egg Broad", "Pure Egg Medium", and "Pure Egg Barley."

On June 28, July 13, July 23, and September 30, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24939. Misbranding of canned peas. U. S. v. 241 Cases of Canned Peas. Consent decree of condemnation. Product released under bond to be re-labeled.** (F. & D. no. 35479. Sample no. 23838-B.)

This case involved an interstate shipment of canned peas which fell below the standard established by this Department because of the presence of an excessive percentage of ruptured peas, and which were not labeled to indicate that they were substandard.

On May 10, 1935, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 241 cases of canned peas at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about February 28, 1935, by Francis H. Leggett & Co., from Cheriton, Va., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Park Hall Brand Early June Peas \* \* \* Packed by G. L. Webster Company, Incorporated, Cheriton, Virginia."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since it did not consist of immature peas as shown by the excessive



number of ruptured peas, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On May 27, 1935, the G. L. Webster Co., Inc., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24940. Adulteration and misbranding of macaroni. U. S. v. 21 Cases of Macaroni. Default decree entered. Product delivered to a charitable organization. (F. & D. no. 35481. Sample no. 30615-B.)**

This case involved a shipment of macaroni that contained soya flour and turmeric, a yellow coloring matter.

On May 9, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 cases of macaroni at Passaic, N. J., alleging that the article had been shipped in interstate commerce on or about March 7, 1935, by the Cardinale Macaroni Manufacturing Co., Inc., from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Made of Pure Semolina Cardinale Brand Cardinale Macaroni \* \* \* Cardinale Macaroni Manufacturing Co. Inc."

The article was alleged to be adulterated in that a product containing soya flour and turmeric had been substituted for semolina macaroni, which the article purported to be.

Misbranding was alleged for the reason that the statements on the label, "Macaroni" and "Made of Pure Semolina", were false and misleading and tended to deceive and mislead the purchaser, when applied to a mixture of semolina macaroni, soya flour, and added coloring matter, turmeric.

On June 15, 1935, no claimant having appeared, judgment was entered ordering that the product be delivered to a charitable organization.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24941. Adulteration of tomato paste. U. S. v. 58 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. & D. no. 35482. Sample no. 26706-B.)**

This case involved a shipment of tomato paste that contained worm and insect debris.

On May 10, 1935, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 58 cases of tomato paste at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about March 23, 1935, by the Howard Terminal, from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "De-Luxe Brand Tomato Paste \* \* \* Greco Canning Co. Inc., San Jose, Calif."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On September 27, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24942. Adulteration and misbranding of tomato catsup. U. S. v. 33 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. no. 35483. Sample no. 33105-B.)**

This case involved an interstate shipment of tomato catsup that contained worm and insect debris and rodent hairs, and was also short volume.

On May 10, 1935, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33 cases, each containing 4 jugs of catsup at Omaha, Nebr., alleging that the article had been shipped in interstate commerce on or about February 16 and February 19, 1935, by the Smith Canning Co., from Clearfield, Utah, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Brimful Brand Fancy Catsup Contents One Gallon H A Marr Grocery Co Distributors Denver-Enid-Omaha-Amarillo."



The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

Misbranding was alleged for the reason that the statement "Contents one gallon" was false and misleading and tended to deceive and mislead the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 31, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24943. Adulteration of tomato puree. U. S. v. 30 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 35488. Sample no. 35757-B.)**

This case involved a shipment of tomato puree that contained worm debris.

On May 18, 1935, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 cases of tomato puree at Denver, Colo., consigned by the Weber Packing Corporation, Ogden, Utah, alleging that the article had been shipped in interstate commerce on or about April 12, 1935, from the State of Utah into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fawn Brand Puree [or "Wright Quality Puree"] \* \* \* Packed by Weber Packing Corporation Ogden, Utah."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On June 29, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24944. Adulteration and misbranding of egg noodles. U. S. v. 16½ Cases and 52 Cases of Egg Noodles. Default decrees of condemnation and destruction. (F. & D. nos. 35489, 35498. Sample nos. 30124-B, 30125-B.)**

These cases involved egg noodles that contained soybean meal and turmeric, a yellow coloring matter.

On May 14 and 15, 1935, the United States attorneys for the Eastern District of New York and the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 16½ cases of egg noodles at Brooklyn, N. Y., and 52 cases of egg noodles at North Bergen, N. J., alleging that the article had been shipped in interstate commerce on or about March 28, 1935, by the Kentucky Macaroni Co., Inc., from Louisville, Ky., and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Package) "Ken-Mac Pure Egg Noodles Kentucky Macaroni Company Louisville, Kentucky." The remainder was labeled in part: "Wide [or "Med"] Egg Noodle \* \* \* Zion Gro. Stores Corp. Brooklyn, N. Y."

The article was alleged to be adulterated in that a product containing soybean meal and an added color, turmeric, had been substituted for egg noodles, which the article purported to be. Adulteration was alleged for the further reason that the article was colored in a manner whereby inferiority was concealed.

Misbranding was alleged with respect to a portion of the product for the reason that the statement "Pure Egg Noodles", borne on the case and package, was false and misleading and tended to deceive and mislead the purchaser when applied to a mixture of egg noodles, soybean flour, and an added coloring matter, turmeric.

On July 13 and July 25, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24945. Adulteration and misbranding of tomato puree. U. S. v. 19 Cases of Tomato Puree. Consent decree of condemnation and destruction. (F. & D. no. 35492. Sample no. 35755-B.)**

This case involved an interstate shipment of tomato puree which was adulterated because of the presence of worm debris. The article was also misbranded, since it was labeled as extra heavy tomato puree; whereas it contained approximately the minimum amount of tomato solids.

On June 4, 1935, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 cases of tomato puree at Cheyenne, Wyo., alleging that the article had been shipped in interstate commerce on or about March 26, 1935, by the Perkins-Epeneter Pickle Co., from Denver, Colo., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Perkins Whole Tomato Puree Extra heavy \* \* \* The Perkins-Epeneter Pickle Co., Denver, Colo."

The article was alleged to be adulterated in that it was composed in whole or in part of a filthy vegetable substance.

Misbranding was alleged for the reason that the article was labeled so as to deceive and mislead the purchaser, since it was labeled "Extra Heavy"; whereas it consisted of tomato puree containing the minimum amount of tomato solids.

On June 14, 1935, the Perkins-Epeneter Pickle Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24946. Adulteration of tomato sauce. U. S. v. 66 Cases of Tomato Sauce. Default decree of destruction. (F. & D. no. 35516. Sample no. 36834-B.)**

This case involved an interstate shipment of tomato sauce that contained excessive mold.

On May 18, 1935, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 66 cases of tomato sauce at Mobile, Ala., alleging that the article had been shipped in interstate commerce on or about March 12, 1935, by the Fraering Brokerage Co., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Dubon Brand Spanish Style Tomato Sauce \* \* \* distributed by Dubon Co. Inc. Wilmington, Del."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On June 29, 1935, no claimant having appeared, judgment was entered ordering that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24947. Misbranding of alleged olive oil. U. S. v. 23 Boxes of Olive Oil. Default decree of condemnation and destruction. (F. & D. no. 35530. Sample no. 28598-B.)**

This case involved a product which was represented to be pure imported olive oil. Examination showed that it consisted essentially of domestic cottonseed oil and that the declaration of the quantity of the contents was incorrect and inconspicuous.

On May 21, 1935, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 boxes, each containing 24 bottles of alleged olive oil, at Butler, Pa., alleging that the article had been shipped in interstate commerce on or about March 20, 1935, by the G & S Specialty Co., from Youngstown, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "G & S Pure Imported Olive Oil Net 2 Fl. Ozs. G and S Specialty Co. Youngstown, Ohio."

The article was alleged to be misbranded in that the statements on the label, "Pure Imported Olive Oil Net 2 Fl. Ozs.", were false and misleading and deceived and misled the purchaser; in that the article purported to be a foreign product when not so; in that it was offered for sale under the distinctive name of another article, namely, olive oil; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct and was hardly legible.

On June 27, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*



**24948. Adulteration of tomato puree. U. S. v. 8 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 35533. Sample no. 35692-B.)**

This case involved an interstate shipment of tomato puree that contained fragments of worms.

On or about May 29, 1935, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight cases of tomato puree at Albuquerque, N. Mex., alleging that the article had been shipped in interstate commerce on or about April 8, 1935, by the J. S. Brown Mercantile Co., from Pueblo, Colo., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Cream of the Valley Brand Tomato Puree \* \* \* Johnson Canning Company, Fowler, Colorado."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance and contained many fragments of worms.

On June 28, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24949. Adulteration and misbranding of egg noodles. U. S. v. 112 Packages of Egg Noodle Products, et al. Default decrees of condemnation and destruction. (F. & D. nos. 35537, 35795. Sample nos. 30643-B, 30644-B, 30645-B, 36606-B.)**

These cases involved shipments of egg noodles which contained soybean meal and turmeric, a yellow coloring matter.

May 27 and July 24, 1935, the United States attorneys for the Districts of Connecticut and Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 1,152 various-sized packages of egg noodle products and 127 trays of egg noodles at West Haven, Conn., and 3,600 packages of egg noodles at Springfield, Mass., alleging that the articles had been shipped in interstate commerce, in part on or about April 24, 1935, and in part on or about June 6, 1935, by the Richardson Food Packing Co., Inc., from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part, variously: "Dutch Maid Egg Noodle Products Schneiders Home Made Egg Noodle Co. Brooklyn, New York"; "Schneider's Dutch Maid Pure Egg Noodles \* \* \* Richardson Food Packing Co., Inc. Brooklyn, New York"; "Northeast Egg Noodles Packed for Northeast Tea Co. Springfield, Mass."

The articles were alleged to be adulterated in that products containing soybean meal and an added color, turmeric, had been substituted for egg noodle products which the articles purported to be, and for the further reason that they were colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements, "Egg Noodle Products", "Pure Egg Noodles", and "Egg Noodles \* \* \* Made from the Heart of the Finest Quality Wheat Selected Durum Semolina", appearing in the labeling, were false and misleading and tended to deceive and mislead the purchaser.

September 12 and October 28, 1935, no claimant appearing, judgments of condemnation were entered and it was ordered that the products be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24950. Adulteration of anchovies sprats. U. S. v. 4 Cases of Anchovies Sprats. Default decree of condemnation and destruction. (F. & D. no. 35545. Sample no. 21986-B.)**

This case involved a lot of imported anchovies sprats which were found to be undergoing active decomposition.

On May 28, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four cases of anchovies sprats at New York, N. Y., alleging that the article had been shipped on or about October 16, 1934, from Gothenburg, Sweden, by A. B. Hugo Hallgrens Konservfabriker, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Hallgren's Original Swedish Anchovies Sprats \* \* \* Packed by A. B. Hugo Hallgrens Konservfabriker Gothenburg Sweden."



The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On June 18, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24951. Adulteration of canned milk. U. S. v. 6 Cases and 34 Cases of Canned Milk. Default decree of condemnation and destruction. (F. & D. no. 35546. Sample no. 26724-B.)**

This case involved an interstate shipment of canned milk which was in part rancid and decomposed.

On May 25, 1935, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 cases of canned milk at Ripon, Calif., alleging that the article had been shipped in interstate commerce on or about March 15, 1935, by Lipscomb Bros., Inc., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Condensed Sweetened Whole Milk prepared for Southern Packers, Inc., New Orleans, La."

The article was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On September 12, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24952. Adulteration of shrimp. U. S. v. 1 Box of Shrimp. Default decree of condemnation and destruction. (F. & D. no. 35551. Sample no. 29063-B.)**

This case involved a shipment of shrimp which was in part decomposed.

On May 6, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one box of shrimp at Boston, Mass., consigned on or about May 4, 1935, alleging that the article had been shipped in interstate commerce by J. J. Hanson, Inc., from New York, N. Y., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance.

On July 1, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24953. Adulteration of tomato puree. U. S. v. 53 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 35578. Sample no. 33091-B.)**

This case involved a shipment of tomato puree that contained excessive mold.

On May 29, 1935, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 53 cases of tomato puree at Oklahoma City, Okla., consigned by the LaFeria Canning Co., LaFeria, Tex., alleging that the article had been shipped in interstate commerce on or about January 24, 1935, from the State of Texas into the State of Oklahoma, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Valley Red Brand Tomato Puree \* \* \* Packed by La Feria Canning Co. La Feria, Texas."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On August 1, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24954. Adulteration of canned tuna. U. S. v. 500 Cases and 300 Cases of Canned Tuna. Consent decree of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. & D. no. 35571. Sample nos. 33302-B, 33303-B.)**

This case involved a shipment of canned tuna which was in part decomposed.

On May 29, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 800 cases of canned

tuna at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 17, 1935, by Cohn-Hopkins, Inc., from San Diego, Calif., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Matfisco Brand Ocean's Best Light Meat Tuna \* \* \* National Fisheries, Ltd. Distributors Chicago." The remainder was labeled in part: "Our Quality Brand California Tuna Light Meat \* \* \* Packed by Cohn-Hopkins, Inc. Quality Packers San Diego, Calif."

The article was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On July 17, 1935, Cohn-Hopkins, Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the decomposed portion be segregated and destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24955. Adulteration and misbranding of macaroni, egg noodles, and spaghetti. U. S. v. 10 Cartons of Macaroni, et al. Default decrees of condemnation and destruction. (F. & D. nos. 35572, 35573, 35575. Sample nos. 30242-B to 30250-B, incl.)**

These cases involved interstate shipments of alimentary paste that contained added soybean meal and a yellow coloring matter.

On May 29, 1935, the United States attorneys for the Southern District of New York and the Eastern District of New York, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 83 cartons or cases of macaroni, spaghetti, and egg noodles at New York, N. Y., and 57 cases of macaroni and spaghetti at Brooklyn, N. Y., alleging that the articles had been shipped in interstate commerce between the dates of March 12 and May 16, 1935, by the Kurtz Bros. Corporation, from Philadelphia, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part, variously: "Macaroni Ace Brand Manufactured by Kurtz Brothers Corporation Philadelphia, Pa."; "Pasquelina Brand 100% Pure Semolina B. Mandel & Co.—New York, N. Y. \* \* \* Spaghetti"; "King Brand Pure Egg Noodles Manufactured by Kurtz Brothers Corporation Philadelphia, Pa."; "Conte di Savoia High Grade Durum Wheat Semolina Macaroni Manufactured by Kurtz Brothers Corporation Philadelphia, Pa."; "Merrisalco Finest Quality Macaroni \* \* \* Spaghetti Merrisalco Food Products Corp. Brooklyn—New York"; "Cara Brand Extra Fine Quality Products Pure Semolina Gragnano Style \* \* \* Spaghetti Packed for Acierno Bros., Brooklyn, N. Y."; "Spaghetтини."

The articles were alleged to be adulterated in that products containing soybean meal and an added color had been substituted for macaroni, spaghetti, and egg noodles; and for the further reason that they were colored in a manner whereby inferiority was concealed.

Misbranding was alleged with respect to portions of the products for the reason that the following statements on the labels were false and misleading and tended to deceive and mislead the purchaser: "Macaroni"; "100% Pure Semolina \* \* \* Spaghetti", "Pure Egg Noodles"; "Finest Quality Macaroni"; "High Grade Durum Wheat Semolina."

On June 26 and July 25, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24956. Adulteration and misbranding of macaroni. U. S. v. 102 Cases and 17 Boxes of Macaroni. Default decrees of condemnation and destruction. (F. & D. nos. 35576, 35683. Sample nos. 30437-B, 31153-B.)**

These cases involved shipments of macaroni that contained soybean meal and turmeric, a yellow coloring matter.

On May 29, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel (amended July 2, 1935) praying seizure and condemnation of 102 cases of macaroni at Hoboken, N. J. On June 26, 1935, a libel was filed against 17 boxes of macaroni at Newark, N. J. The libels charged that the article had been shipped in interstate commerce in various shipments between the dates of May 2 and June 8, 1935, by the Giancontieri Macaroni Corporation, from Brooklyn, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act. A portion of the article was labeled: "Marca Tre 'G' Macaroni Made from Pure Semolina \* \* \* Manufactured and Guaranteed by Giancontieri Macaroni Corporation Brooklyn,



N. Y." The remainder was labeled: "Extra Quality Pure Semolina Macaroni M. Lucatelli Brand Distributors New Jersey Importing Co. Hoboken, N. Y."

The article was alleged to be adulterated in that a product containing soybean meal and added color, turmeric, had been substituted for macaroni, which the article purported to be; and for the further reason that it was colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements on the labels, "Macaroni Made from Pure Semolina" and "Extra Quality Pure Semolina Macaroni", were false and misleading and tended to deceive and mislead the purchaser.

On August 20 and September 4, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24957. Adulteration and misbranding of olive oil color and olive oil flavor. U. S. v. 8 Gallons of Colora Da Olio de Oliva, et al. Default decrees of condemnation and destruction. (F. & D. nos. 35580, 35581. Sample nos. 24455-B, 24456-B.)**

These cases involved products sold as substances for coloring and flavoring oils. Examination showed that both products contained an unpermitted coal-tar color, and that the coloring substance also contained excessive lead.

On May 29, 1935, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 8 gallons of Colora Da Olio de Oliva and 17 gallons of Olive Concentrol at Philadelphia, Pa., alleging that the articles had been shipped in interstate commerce on or about January 22, 1935, by L. Feldman & Co., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Gustav Schraff Fabrik Mainz Colora Da Olio de Oliva [or "Olive Concentrol"]."

The olive-oil color was alleged to be adulterated in that it contained added deleterious ingredients, namely, Quinizarine green, an unpermitted coal-tar color, and an excessive amount of lead, which might have rendered it injurious to health. The olive-oil flavor was alleged to be adulterated in that an article containing artificial flavor and artificial color had been substituted for olive-oil flavor, which the article purported to be; and for the further reason that it contained an added deleterious ingredient, Quinizarine green, which might have rendered it harmful to health.

Misbranding was alleged for the reason that the articles were offered for sale under the distinctive names of other articles, namely, "Imported Oil Color" and "Imported Olive Oil Flavor." Misbranding of the olive-oil flavor was alleged for the further reason that the statement on the label, "Olive Concentrol", was false and misleading and tended to deceive and mislead the purchaser.

On July 8, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24958. Misbranding of canned pears. U. S. v. 36 Cases and 115 Cases of Canned Pears. Decrees of condemnation. Product released under bond to be relabeled. (F. & D. nos. 35585, 35655. Sample nos. 36230-B, 36232-B.)**

These cases involved shipments of canned pears which fell below the standard established by the Secretary of Agriculture, and which were not labeled to indicate that they were substandard.

On May 29 and June 18, 1935, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 115 cases of canned pears at Worcester, Mass., alleging that the article had been shipped in interstate commerce on or about February 19 and March 20, 1935, by the Arthur L. Johnson Co., from Providence, R. I., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "On the Level Brand \* \* \* Bartlett Pears \* \* \* Packed by The Packwell Corporation Oakland, Calif."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since it was not uniform in size and was not in unbroken halves, and its package or label did not bear a plain and conspicuous statement



prescribed by regulation of this Department indicating that it fell below such standard.

On August 19 and 20, 1935, the Packwell Corporation, claimant, having admitted the allegations of the libels, judgments of condemnation were entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24959. Adulteration and misbranding of olive oil. U. S. v. 19 Cans and 28 Cans of Alleged Olive Oil. Default decree of condemnation. Product delivered to charitable institutions. (F. & D. no. 35611. Sample nos. 31251-B, 31252-B.)**

This case involved a shipment of alleged olive oil which was found to consist in part of oils other than olive oil.

On May 24, 1935, the United States attorney for the District of Connecticut, acting upon a report by an official of the State of Connecticut, filed in the district court a libel praying seizure and condemnation of forty-seven 1-gallon cans of alleged olive oil at Waterbury, Conn., alleging that the article had been shipped in interstate commerce on or about May 1, 1935, by A. Verde, from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled: "Riviera Brand, Pure Olive Oil, Imported from Lucca, Toscana, Italy." The remainder was labeled in part, "Acomofa Brand, Imported Product, Sublime Olive Oil."

The article was alleged to be adulterated in that sunflower, peanut, or other oil had been substituted in part for olive oil, which the article purported to be.

Misbranding was alleged for the reason that the following statements on the labels were misleading and tended to deceive and mislead the purchaser: "Riviera Brand, Pure Olive Oil, Imported from Lucca, Toscana, Italy", "Acomofa Brand, Imported Product, Sublime Olive Oil." Misbranding was alleged for the further reason that the article purported to be a foreign product, when not so.

On August 21, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to charitable institutions and that the containers be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24960. Adulteration of coconuts. U. S. v. 34 Bags of Coconuts. Default decree of condemnation and destruction. (F. & D. no. 35612. Sample no. 37933-B.)**

This case involved a shipment of coconuts which were in part moldy and fermented.

On June 5, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 bags of coconuts at Seattle, Wash., alleging that the article had been shipped in interstate commerce by A. H. Biascoenchea, from San Juan, P. R., to New York, N. Y., on or about September 26, 1934, that it had been reshipped from New York, N. Y. to Seattle, Wash., on or about October 2, 1934, and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of a decomposed vegetable substance.

On August 29, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24961. Adulteration of canned tomato puree. U. S. v. 96 Cans of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 35614. Sample no. 26509-B.)**

This case involved a shipment of canned tomato puree that contained excessive mold and worm and insect debris.

On June 7, 1935, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 96 cans of tomato puree at Spokane, Wash., alleging that the article had been shipped in interstate commerce on or about December 29, 1934, by the Kaysville Canning Co., from Kaysville, Utah, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fawn Brand Puree \* \* \* Packed by Weber Packing Corporation Ogden, Utah."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On July 9, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24962. Adulteration of tomato catsup. U. S. v. 16 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. no. 35615. Sample no. 26548-B.)**

This case involved a shipment of tomato catsup which contained evidence of worm and insect infestation.

On June 7, 1935, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 cases of tomato catsup at Havre, Mont., alleging that the article had been shipped in interstate commerce on or about October 5, 1934, by Varney Canning, Inc., from Roy, Utah, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Heart of Utah Brand Tomato Catsup \* \* \* Varney Canning Inc."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On July 31, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24963. Adulteration and misbranding of Ownen's Viti-Veg. U. S. v. 119 Cartons, et al., of Viti-Veg. Default decrees of condemnation and destruction. (F. & D. nos. 35621, 35668, 35669, 35670, 35671, 35672. Sample nos. 27431-B, 27432-B, 28259-B, 33939-B, 35547-B, 37139-B.)**

These cases involved a product intended to be used as an ingredient in the making of bread, which was adulterated because of the presence of added phenolphthalein. It was also misbranded, since the label conveyed the impression that it was composed solely of vegetable substances and that it would maintain and produce health; whereas it contained phenolphthalein, a coal-tar drug, and would not maintain or produce health.

On June 6, 1935, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 119 1-pound cartons of Ownen's Viti-Veg. at Peoria, Ill. On or about June 21 and July 2, 1935, libels were filed against 114 cartons of the product at Dayton, Ohio, 60 cartons at Shawnee, Okla.; 60 cartons at Lawton, Okla.; 120 cartons at Milwaukee, Wis.; and 89 cartons at Burlington, N. C. It was alleged in the libels that the article had been shipped in interstate commerce between the dates of April 27 and May 21, 1935, by the Bakers Research Co., from St. Louis, Mo., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Ownen's Viti-Veg Original Health Bread."

The article was alleged to be adulterated in that it contained an added deleterious ingredient, phenolphthalein, which might have rendered it injurious to health.

Misbranding was alleged for the reason that the statement "Viti-Veg.", borne on the label, was false and misleading, since it created the impression that the article was a vegetable compound; whereas it contained phenolphthalein, a synthetic laxative drug derived from coal tar, and for the further reason that the statement, "Health Bread" on the label, was false and misleading, since the article contained an added deleterious ingredient and could not be depended on to maintain and produce health.

On July 17, 18, and 24, September 5, and December 17, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24964. Misbranding of apple butter and jellies. U. S. v. The C. H. Musselman Co. Plea of guilty. Fine, \$240. (F. & D. no. 33962. Sample nos. 52633-A, 60865-A to 60868-A, incl., 61835-A, 62262-A to 62265-A, incl., 62281-A to 62284-A, incl., 66840-A to 66844-A, incl., 66845-A to 66848-A, incl., 67066-A, 67653-A.)**

This case was based on interstate shipments of apple butter and jellies which were short weight.

On May 20, 1935, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in



the district court an information against the C. H. Musselman Co., a corporation, Biglerville, Pa., alleging shipment by said company in violation of the Food and Drugs Act as amended, between the dates of December 3, 1933, and May 12, 1934, from the State of Pennsylvania into the States of New York, West Virginia, Colorado, California, Texas, and Ohio, of quantities of apple butter and jellies which were misbranded. The articles were labeled in part, variously: "Musselman's Contents 1 Lb. 12 oz. Pure Apple Butter \* \* \* Manufactured By The C. H. Musselman Co. Biglerville, Pa."; "Moon Rose Brand \* \* \* Jelly Contents 16 oz. Hubbard Grocery Co. Dist. Charleston W Va."; "Contents 14 oz Penn Maid Brand \* \* \* Jelly manufactured by The C H Musselman Co."; "Big Value Pure Apple Jelly Contents 14 oz Packed for Big Value Products Co., Houston Texas"; "Musselman's Brand Contents 5 oz [or "Net Contents 5 oz"] \* \* \* Jelly Manufactured By The C. H. Musselman Co."

The articles were alleged to be misbranded in that the statements, "Contents 1 Lb. 12 oz.", "Contents 16 oz.", "Contents 14 oz." "Net Contents 5 oz.", and "Contents 5 oz", borne on the jar labels, were false and misleading; and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since each of a large number of the jars examined contained less than declared on the label. Misbranding was alleged for the further reason that the articles were foods in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On June 5, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$240.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24965. Adulteration of butter. U. S. v. 20 Boxes of Butter. Default decree of condemnation and destruction. (F. & D. no. 35626. Sample no. 36251-B.)**

This case involved a shipment of butter that contained mold and filth.

On May 13, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 boxes of butter at Boston, Mass., consigned about May 4, 1935, alleging that the article had been shipped in interstate commerce by the Armour Creameries, Inc., from Louisville, Ky., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance.

On September 9, 1935, Armour & Co., the sole intervenor, having withdrawn its claim for the property, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24966. Adulteration of dried apricots. U. S. v. 548 Boxes and 163 Boxes of Dried Apricots. Default decree of condemnation and destruction. (F. & D. no. 35637. Sample nos. 33088-B, 33089-B.)**

This case involved a shipment of dried apricots which were worm-infested.

On or about June 12, 1935, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 711 boxes of dried apricots at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about August 16, 1934, by the California Prune & Apricot Growers Association, from Hanford, Calif., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On August 26, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24967. Adulteration and misbranding of egg noodles. U. S. v. 30 Packages, et al., of Egg Noodles. Default decree of condemnation and destruction. (F. & D. no. 35638. Sample nos. 30722-B, 30723-B, 30724-B.)**

This case involved egg noodles which were adulterated and misbranded because of the presence of added soybean meal and color. The products were further misbranded, because certain of the lots did not bear a plain and



conspicuous declaration of the quantity of the contents, and one lot was labeled to indicate that it was made by a firm other than the real manufacturer.

On or about June 11, 1935, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 352 packages of egg noodles at Manchester, Conn., alleging that the article had been shipped in interstate commerce on or about April 3, 1935, by Schneider's Home Made Egg Noodle Co., from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Dutch Maid Egg Noodle Products \* \* \* Schneiders Home Made Egg Noodle Co. Brooklyn, New York." The remainder was labeled in part: "Dutch Maid Pure Egg Noodles Richardson Food Packing Company, Inc. [or "Schneider's Home Made Egg Noodle Co., Inc.]" Brooklyn, N. Y. \* \* \* Made [or "Manufactured"] in accordance with all U. S. Gov't Requirements."

The article was alleged to be adulterated in that a product containing soybean meal and an added color, turmeric, had been substituted for egg noodles, which the article purported to be; and for the further reason that it was colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements, "Egg Noodle Products" and "Pure Egg Noodles", borne on the labels, were false and misleading and tended to deceive and mislead the purchaser when applied to a mixture of egg noodles, soybean flour, and added coloring matter, turmeric. Misbranding was alleged with respect to two lots of the product for the further reason that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the label bore the original statement "Net Weight 4 Oz." in which the figure "4" had not been obliterated, the figures "12" and "6" having been written on the label with pen in such a way that the original printed figure "4" was just as prominent, if not more so, than the correct net weight figures which had been inserted with pen. Misbranding was alleged with respect to the remainder of the product for the further reason that the statement on the label, "Made [or "Manufactured"] In Accordance with All U. S. Gov't Requirements", was false and misleading, and tended to deceive and mislead the purchaser, and in that the statement on the label of some of the packages, "Richardson Food Packing Company, Inc. Brooklyn, N. Y.", was misleading and tended to deceive and mislead the purchaser, since it implied that that company was the manufacturer; whereas Schneider's Home Made Egg Noodle Co. was the manufacturer.

On September 12, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24968. Adulteration of cream. U. S. v. Thirteen 5-Gallon Cans, et al., of Cream. Consent decrees of destruction.** (F. & D. nos. 35643, 35645, 35646, 35647. Sample nos. 23698-B, 23699-B, 28626-B, 28627-B.)

These cases involved various shipments of cream which was filthy or decomposed or both filthy and decomposed.

On May 21, May 23, and May 24, 1935, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of forty-one 5-gallon cans and forty 10-gallon cans of cream at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce in various shipments on or about May 18, May 19, May 21, and May 22, 1935, by Blaine Simon, Junior, W. Va.; W. A. Morgan, Porters Falls, W. Va.; Farmers Dairy, Cumberland, Md.; Lyle Leichter, Cameron, W. Va.; P. T. Greene, Mannington, W. Va.; I. B. Mitchell, Moatsville, W. Va.; James Hammon, Rinehart, W. Va.; R. K. Wright, Falling Waters, W. Va.; J. M. Mallow, Petersburg, W. Va.; C. J. Roy, Clarksburg, W. Va.; J. Ferguson, Barnsley, Rockville, Md.; A. L. Vincent, Shinnston, W. Va.; C. E. Murfin, Hancock, W. Va.; J. C. Dean, Ellenboro, W. Va.; C. N. Robinson, Weston, W. Va.; F. D. Sayers, Bridgeport, W. Va.; Perry Powers, Core, W. Va.; J. L. Boor, Petersburg, W. Va.; M. K. Bowers, Charlestown, W. Va.; G. W. Rigenbaugh, N. Martinsville, W. Va.; Freeland & Fletcher, Middlebourne, W. Va.; Erastus Fulks, Villa Nova, W. Va.; C. C. Hickerson, Davis, W. Va.; Della Ramsey, Clem, W. Va.; M. Starcher, Jane Lew, W. Va.; W. J. Caulter, Brunswick, Md.; Zipf Hardware Co., St. Marys, W. Va.; L. W. Summers, Fairmont, W. Va.; Roy De Garmo, Wellsburg, W. Va.; Mendenhall & Son, Newport, Ohio; Roy C. Paul, Frederick, Md.; D. B. Parish,

Cumberland, Md.; G. W. Abbott, Rohersville, Md.; W. B. Gregg, Grafton, W. Va.; Walter Johnston, Strasburg, Va.; Upshur Dairy Prod., Buckhannon, W. Va.; Wm. D. Barrick, Walkersville, Md.; M. K. Bowers, Keaneysville, W. Va.; M. J. Gartner, Gaithersburg, Md.; Wm. J. Griffith, Triadelphia, W. Va.; Wm. H. Wilson, Laurel, Md.; Webster Hess, Hancock, W. Va.; Howard Smith, Fairmont, W. Va.; Frank Ables, West Union, W. Va.; Ottis Snyder, Ellenboro, W. Va.; F. A. Moore, Belington, W. Va.; Guy Nicholson, Salem, W. Va.; R. C. Heffner, Pickens, W. Va.; A. E. Bowman, Tunnelton, W. Va.; O. McIntire, Morgansville, W. Va.; A. L. Ware, Holly, W. Va.; M. H. Coleman, Leesburg, Va.; G. S. Risinger, Cherry Run, W. Va.; Terra Alta Bottling Works, Terra Alta, W. Va.; L. H. Cutlip, Gassaway, W. Va.; B. M. Grim, Romney, W. Va.; Elizabeth Phillips, Glover Gap, W. Va.; Sherman Tuttle, Blacksville, W. Va.; J. D. Thorne, Blacksville, W. Va.; T. B. Richards, Metz, W. Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On May 21, May 23, and May 24, 1935, the Fairmont Creamery Co., Pittsburgh, Pa., the consignee, having consented to the destruction of the product, judgments were entered ordering its immediate destruction.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24969. Adulteration of cream. U. S. v. Five 5-Gallon Cans of Cream. Consent decree of destruction.** (F. & D. no. 35644. Sample no. 23700-B.)

This case involved shipments of cream which was filthy or decomposed or both filthy and decomposed.

On May 23, 1935, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five 5-gallon cans of cream at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about May 20, 1935, in various shipments by: Boyd Swiger, Salem, W. Va.; A. L. Stalnaker, Jane Lew, W. Va.; Mrs. Virginia Layman, Grafton, W. Va.; J. A. Mauller, Bridgeport, W. Va.; and Beryl Sigley, Tunnelton, W. Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On May 23, 1935, the consignee of the product, the Blue Valley Creamery Co., having requested its destruction, judgment was entered ordering that it be destroyed immediately.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24970. Adulteration of butter. U. S. v. 25 Tubs of Butter. Default decree of condemnation and destruction.** (F. & D. no. 35650. Sample no. 21718-B.)

This case involved a shipment of butter samples of which were found to contain mold.

On May 29, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 tubs of butter at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about May 18, 1935, by Swift & Co., from Muskogee, Okla., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On September 4, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24971. Adulteration of tomato paste. U. S. v. 18 Cases of Tomato Paste. Default decree of condemnation and destruction.** (F. & D. no. 35651. Sample no. 24573-B.)

This case involved a shipment of tomato paste that contained excessive mold.

On June 17, 1935, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 cases of tomato paste at Wilkes-Barre, Pa., alleging that the article had been shipped in interstate commerce on or about December 11, 1934, by the Gervas Canning Co., Inc., from Fredonia, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Tasty Brand Tomato Paste \* \* \* Packed by Stanley Packing Company, Inc. Forestville, N. Y."



The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On July 31, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24972. Adulteration of cream. U. S. v. Six 10-Gallon Cans of Cream. Consent decree of condemnation and destruction. (F. & D. no. 35657. Sample no. 28751-B.)**

This case involved cream which was filthy or decomposed, or both filthy and decomposed.

On June 5, 1935, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 6 ten-gallon cans of cream at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about June 4, 1935, in various shipments by D. Glover, Galetton, Pa.; W. L. Hawks, Genesee, Pa.; C. R. Van Cise, Centerville, Pa.; A. Smith, Centerville, Pa.; G. G. Byron, Westfield, Pa.; and the Lily Hill Farm, Sayre, Pa., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On June 5, 1935, the Fairmont Creamery Co., Buffalo, N. Y., having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24973. Adulteration of butter. U. S. v. 13 Bags of Butter. Consent decree of condemnation and destruction. (F. & D. no. 35658. Sample no. 32324-B.)**

This case involved a shipment of butter samples of which were found to contain mold and other extraneous matter.

On May 21, 1935, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 bags, each containing approximately 70 pounds of butter, at Ottumwa, Iowa, alleging that the article had been shipped in interstate commerce on or about May 10, 1935, by the Yorkshire Creamery Co., from Bethany, Mo., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 26, 1935, the Yorkshire Creamery Co., claimant, having filed an answer consenting to the entry of a decree without, however, either admitting or denying the charge that the product was adulterated, judgment of condemnation was entered and it was ordered that the product be destroyed and that the claimant pay the costs of the proceedings.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24974. Adulteration of tomato puree. U. S. v. 137 Cases and 48½ Cases of Tomato Puree. Default decrees of condemnation and destruction. (F. & D. nos. 35663, 35664. Sample nos. 27751-B, 27752-B.)**

These cases involved shipments of tomato puree that contained excessive mold.

On June 19, 1935, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 235½ cases of canned tomato puree at Hanover, Pa., alleging that the article had been shipped in interstate commerce in part on or about September 10, 1934, by W. H. Neal & Sons, Inc., and in part on or about February 22, 1935, by A. W. Sisk & Son, from Hurlock, Md., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: "Zo-Ray Brand Tomato Puree \* \* \* W. H. Neal & Sons, Inc. Hurlock, Md. Distributors." The remainder was labeled: "Neal's Wholesome Tomato Puree \* \* \* Distributed by W. H. Neal & Sons, Inc. Offices Hurlock, Md."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On July 31, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*



**24975. Misbranding of canned tomatoes. U. S. v. 200 Cases, et al., of Canned Tomatoes. Decrees of condemnation. A portion of product released under bond; remainder destroyed. (F. & D. nos. 35673, 35674, 35682, 35684. Sample no. 24348-B.)**

These cases involved canned tomatoes which fell below the standard established by the Secretary of Agriculture with respect to color and which were not labeled to indicate that they were substandard. The labeling was further objectionable, since it conveyed the impression that the article was produced in Delaware; whereas it was produced and packed in Florida.

On June 24 and June 26, 1935, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 300 cases of canned tomatoes at Philadelphia, Pa. On June 25 and June 26, 1935, libels were filed against 200 cases of canned tomatoes at Camden, N. J., and 392 cases at Trenton, N. J. The libels alleged that the article had been shipped in interstate commerce by the Frederica Packing Co. from Fort Pierce, Fla. in part to Philadelphia, Pa., and in part to Camden, N. J., on or about May 24, 1935; that a portion had been reshipped from Philadelphia, Pa. to Trenton, N. J. on or about June 13, 1935, and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Blue Hens Chicken Tomatoes \* \* \* The Frederica Packing Co. Main Office Frederica, Del."

The article was alleged to be misbranded in that the statement on the label, "The Frederica Packing Co. Main Office Frederica, Del." in conjunction with the brand name, "Blue Hens Chicken", which is a recognized nickname of the State of Delaware, was misleading and tended to deceive and mislead the purchaser, since it created the impression that the product was produced in Delaware; whereas it was actually produced and packed in Florida. Misbranding was alleged for the further reason that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because it was not normally colored and its package and label did not bear a plain and conspicuous statement prescribed by regulations of this Department indicating that it fell below such standard.

On July 6 and July 15, 1935, the Frederica Packing Co., having appeared as claimant for a portion of the product seized at Philadelphia and the two lots seized at Camden and Trenton, N. J., respectively, judgments of condemnation were entered and it was ordered that the product be released under bond conditioned that it be relabeled. On July 25, 1935, no claimant having appeared for one lot seized at Philadelphia, judgment of condemnation was entered and it was ordered that the said lot be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24976. Adulteration of dressed poultry. U. S. v. 20 Boxes of Poultry. Default decree of condemnation and destruction. (F. & D. no. 35677. Sample no. 12855-B.)**

This case involved an interstate shipment of poultry which was in large part decomposed.

On June 24, 1935, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 boxes of poultry at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about June 13, 1935, by the Marion Creamery & Poultry Co., from Salem, Oreg., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On June 25, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24977. Adulteration and misbranding of butter. U. S. v. 15 Cases, et al., of Butter. Default decrees of condemnation and destruction. (F. & D. nos. 35704, 35722, 35723. Sample nos. 22594-B, 22595-B, 22609-B, 22613-B.)**

This case involved various shipments of butter which was adulterated because of the presence of mold and other extraneous matter, and a part of which was also misbranded because of failure to declare the quantity of the contents on the package.

On June 4, 1935, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 37 cases and 25 tubs of butter at New Orleans, La., alleging that the article had been shipped in interstate commerce in part on or about May 3, 1935, and in part on or about May 27, 1935, by the Purity Creamery, from Shiner, Tex., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled in part: (Carton) "White Lily Brand Butter Manufactured by Purity Creamery Shiner, Texas, One Pound Net." The remainder was marked: (Tub) "From Purity Creamery Shiner, Texas."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed animal substance.

Misbranding of the tub butter was alleged for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 9, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24978. Adulteration of butter. U. S. v. 42 Tubs and 34 Cases of Butter. Default decrees of condemnation and destruction.** (F. & D. nos. 35709, 35730. Sample nos. 22597-B, 37258-B.)

These cases involved shipments of butter samples of which were found to contain mold, hair, insects, and other extraneous matter.

On June 4 and June 21, 1935, the United States attorneys for the Eastern District of Louisiana and the Southern District of Florida, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 42 tubs of butter at New Orleans, La., and 34 cases of butter at Tampa, Fla., alleging that the article had been shipped in interstate commerce on or about May 14 and June 11, 1935, by the Kent Dairy Products Corporation, Inc. (Aberdeen Creamery Co.), from Aberdeen, Miss., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed animal substance.

On August 15 and September 16, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24979. Adulteration of butter. U. S. v. 12 Tubs and 17 Tubs of Butter. Default decrees of condemnation and destruction.** (F. & D. nos. 35710, 35711. Sample nos. 22600-B, 22608-B.)

These cases involved shipments of butter samples of which were found to contain mold, hair, and other extraneous matter.

On June 4, 1935, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 29 tubs of butter at New Orleans, La., alleging that the article had been shipped in interstate commerce in part on or about May 14, 1935, and in part on or about May 23, 1935, by the Hattiesburg Creamery & Produce Co., from Hattiesburg, Miss., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed animal substance.

On August 15, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24980. Adulteration of butter. U. S. v. 14 Tubs and 15 Tubs of Butter. Default decree of condemnation and destruction.** (F. & D. no. 35713. Sample nos. 22601-B, 22611-B.)

This case involved shipments of butter samples of which were found to contain mold and other extraneous matter.

On June 4, 1935, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 tubs of butter at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about May 19 and May 26, 1935, by the Oxford Creamery Co.,



from Oxford, Miss., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed animal substance.

On August 15, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24981. Adulteration and misbranding of butter. U. S. v. 104 Cases, et al., of Butter. Default decrees of condemnation and destruction.** (F. & D. nos. 35724, 35725, 35728. Sample nos. 16473-B, 16474-B, 36877-B, 37264-B.)

These cases involved interstate shipments of butter which was adulterated because of the presence of mold and other extraneous matter and a portion of which was also misbranded because of failure to declare the quantity of the contents on the package or label.

On June 4 and June 24, 1935, the United States attorneys for the Eastern District of Louisiana and the Southern District of Florida, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 147 cases of butter at New Orleans, La., and 184 cases of butter at Tampa, Fla., alleging that the article had been shipped in interstate commerce between the dates of May 23, 1935, and June 14, 1935, by the Armour Creameries, in part from Fort Worth, Tex., and in part from Dublin, Ga., and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Wrapper) "Armour's Star Quality Cloverbloom Full Cream Butter \* \* \* Armour Creameries." A portion was labeled in part: "Springbrook Parchment [or "Springbrook Country Rolls"]." The remainder was unlabeled.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed animal substance.

Misbranding was alleged in respect to a portion of the article for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 2 and August 15, 1935, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24982. Adulteration of tomato paste. U. S. v. 20 Cases of Tomato Paste. Default decree of condemnation and destruction.** (F. & D. no. 35746. Sample no. 26837-B.)

This case involved a product which contained filth resulting from worm and insect infestation.

On July 10, 1935, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 cases of tomato paste at Omaha, Nebr., alleging that the article had been shipped in interstate commerce on or about June 3, 1935, by Libby, McNeill & Libby, from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Mattina Brand Tomato Paste \* \* \* Manteca Canning Company Manteca Calif."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On August 17, 1935, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24983. Adulteration of butter. U. S. v. 10 Tubs of Butter. Default decree of condemnation and destruction.** (F. & D. no. 35729. Sample no. 37175-B.)

This case involved an interstate shipment of butter samples of which were found to contain maggots, hairs, and parts of insects.

On or about June 26, 1935, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 tubs of butter at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about May 30, 1935, by the Stone Baking Co., from Atlanta, Ga., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.



On August 1, 1935, no claimant having appeared, a judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24984. Adulteration of tomato puree. U. S. v. 1,500 Cases of Tomato Puree. Decree of condemnation and destruction. (F. & D. no. 35758. Sample no. 30751-B.)**

This case involved an interstate shipment of tomato puree that contained excessive mold.

On July 10, 1935, the United States attorney for the District of Puerto Rico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,500 cases of tomato puree at San Juan, P. R., alleging that the article had been shipped in interstate commerce on or about June 13, 1935, by Julian Planton, from Houston, Tex., and charging adulteration in violation of the Food and Drugs Act. The article was labeled, in part: "Valley Rose Brand Tomato Puree \* \* \* Packed by Riona Products Co., Inc., McAllen, Texas."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On August 14, 1935, the Riona Products Co., Inc., McAllen, Tex., filed a claim and answer admitting the interstate shipment but denying the adulteration charge. On August 19, 1935, the claimant having waived a jury trial and, subsequent to the filing of the answer, having stipulated that the product contained mold and was adulterated, judgment of condemnation was entered and the product was ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24985. Adulteration and misbranding of canned field corn. U. S. v. 62 Cases of Canned Field Corn. Default decree of condemnation and destruction. (F. & D. no. 35749. Sample no. 43252-B.)**

This case involved a shipment of canned field corn which was adulterated because of the presence of decomposed corn. It was also misbranded, since it was substandard because of the amount of brine used as a packing medium and it was not labeled to indicate that it was substandard.

On July 11, 1935, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 62 cases of canned field corn at Columbia, S. C., alleging that the article had been shipped in interstate commerce on or about December 31, 1934, by the Ladoga Canning Co., from Indianapolis, Ind., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Excelsior Brand Sweetened Field Corn \* \* \* Distributed by The Sears & Nichols Corporation \* \* \* Indianapolis, Ind."

The article was alleged to be adulterated in that brine had been substituted in part for field corn which the article purported to be, and in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding was alleged for the reason that the article was canned food and fell below the standard of fill of container promulgated by the Secretary of Agriculture, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On August 5, 1935, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24986. Adulteration of butter. U. S. v. 74½ Cases of Butter. Consent decree of condemnation and destruction. (F. & D. no. 35556. Sample nos. 36838-B, 36839-B.)**

This case involved a shipment of butter samples of which were found to contain mold, hair, insects, and other extraneous matter.

On May 14, 1935, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 74½ cases of butter at Mobile, Ala., alleging that the article had been shipped in interstate commerce on or about May 8, 1935, by Swift & Co. from West Point, Miss., and

charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Swift's Brookfield Butter [or "Swift's Premium Quality Brookfield Butter"] \* \* \* Distributed by Swift & Company General Offices Chicago."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On July 13, 1935, Swift & Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24987. Adulteration of blueberries. U. S. v. 10 Crates of Blueberries. Default decree of condemnation and destruction.** (F. & D. no. 36235. Sample no. 42737-B.)

This case involved a shipment of blueberries which were infested with maggots.

On August 1, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 30, 1935, by Ward Bennett, from Freehold, N. J., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 22, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24988. Adulteration of blueberries. U. S. v. 12 Crates of Blueberries. Default decree of condemnation and destruction.** (F. & D. no. 36236. Sample no. 42738-B.)

This case involved a shipment of blueberries which were infested with maggots.

On August 1, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 31, 1935, by Charles Ranere, from Hammononton, N. J., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 22, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24989. Adulteration of blueberries. U. S. v. 94 Crates of Blueberries. Default decree of condemnation and destruction.** (F. & D. no. 36374. Sample no. 42149-B.)

This case involved a shipment of blueberries which were infested with maggots.

On August 31, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 94 crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 30, 1935, by M. S. Cunningham, from Columbia Falls, Maine, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 25, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*



**24990. Adulteration of blueberries. U. S. v. 58 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 36224. Sample no. 36349-B.)**

This case involved a shipment of blueberries which contained maggots.

On August 1, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 58 crates of blueberries at Boston, Mass., consigned on or about July 30, 1935, alleging that the article had been shipped in interstate commerce from Beaver Meadow, Pa., by Dobrovolsky Bros., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On September 23, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24991. Adulteration of blueberries. U. S. v. 28 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 36373. Sample no. 36821-B.)**

This case involved a shipment of blueberries which contained maggots.

On September 3, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 28 crates of blueberries at Boston, Mass., consigned on or about September 2, 1935, alleging that the article had been shipped in interstate commerce from Harrington, Maine, by Everett Anderson, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

On September 23, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24992. Adulteration of blueberries. U. S. v. 5 Half Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 36379. Sample no. 43310-B.)**

This case involved a shipment of blueberries which contained maggots.

On August 30, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five half crates of blueberries at Boston, Mass., consigned on or about August 29, 1935, alleging that the article had been shipped in interstate commerce from Cherryfield, Maine, by G. A. Sawyer, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 23, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24993. Adulteration of blueberries. U. S. v. 22 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 36372. Sample no. 36819-B.)**

This case involved a shipment of blueberries which contained maggots.

On August 30, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 crates of blueberries at Boston, Mass., consigned on or about August 29, 1935, alleging that the article had been shipped in interstate commerce from Machias, Maine, by John Wiemann, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

On September 23, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*



**24994. Adulteration of blueberries. U. S. v. 12 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 36226. Sample no. 36639-B.)**

This case involved a shipment of blueberries which contained maggots.

On August 8, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 crates of blueberries at Boston, Mass., consigned on or about August 8, 1935, alleging that the article had been shipped in interstate commerce from Alton, N. H., by Herbert T. Alden, Howard Boyd, and Grace Tanguay, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On September 23, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24995. Adulteration of blueberries. U. S. v. 9 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 36370. Sample no. 36643-B.)**

This case involved a shipment of blueberries which contained maggots.

On August 12, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine crates of blueberries at Boston, Mass., consigned on or about August 12, 1935, alleging that the article had been shipped in interstate commerce from Laconia, N. H., by H. Leslie Curtis, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On September 23, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24996. Adulteration of blueberries. U. S. v. 26 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 36371. Sample no. 36674-B.)**

This case involved a shipment of blueberries which contained maggots.

On August 20, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 crates of blueberries at Boston, Mass., consigned on or about August 19, 1935, alleging that the article had been shipped in interstate commerce from Portland, Maine, by James Stein and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On September 23, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24997. Adulteration of blueberries. U. S. v. 8 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 36225. Sample no. 36638-B.)**

This case involved a shipment of blueberries which contained maggots.

On August 7, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight crates of blueberries at Boston, Mass., consigned on or about August 7, 1935, alleging that the article had been shipped in interstate commerce from Alton, N. H., by C. H. Drew Express, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

On September 23, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24998. Adulteration of blueberries. U. S. v. 4½ Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 36219. Sample no. 44500-B.)**

This case involved a shipment of blueberries which were infested with maggots.

On July 31, 1935, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four and one-half crates of blueberries at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 30, 1935, by George Grover, from Pemberton, N. J., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 17, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24999. Adulteration of blueberries. U. S. v. 8 Crates of Blueberries. Consent decree of condemnation and destruction. (F. & D. no. 36401. Sample no. 44279-B.)**

This case involved a shipment of blueberries which contained an excessive number of maggots.

On August 14, 1935, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight crates of blueberries at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about August 12, 1935, by R. U. Plummer, from Harrington, Maine, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 23, 1935, R. A. Plummer, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**25000. Adulteration of huckleberries. U. S. v. 4½ Crates of Huckleberries. Consent decree of condemnation and destruction. (F. & D. no. 36400. Sample no. 44278-B.)**

This case involved a shipment of huckleberries which contained an excessive number of maggots.

On August 14, 1935, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four and one-half crates of huckleberries at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about August 12, 1935, by John Skotex, from McAdoo, Pa., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On October 5, 1935, John P. Skotex having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

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